

**THE GOVERNORSHIP OF THE FIRST DUKE  
OF ALBANY:**

**1406 - 1420**

**by**

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## ABSTRACT

Notwithstanding the largely favourable assessments of contemporary chroniclers, the first duke of Albany has attracted much criticism but very little serious attention from modern historians. This unhelpful predilection for subjective criticism as to the character and ambitions of Albany, serves to prejudice any meaningful examination of the political and constitutional significance of the appointment of Scotland's first governor.

The rationale of the thesis has been to redress this balance, and an in-depth analysis of the constitutional basis for the appointment of the duke of Albany as governor provides a fundamental reference point for all further chapters. With emphasis on the twin themes of continuity and context, parallels have been sought with the constitutional crisis which was occasioned by the death of Alexander III in 1286, as well as with the more immediate periods of guardianship and lieutenancy during the reigns of Robert II and Robert III. Particular attention is paid to the role of the Three Estates and the political community as a whole and, in this way, both the relevance of constitutional principles to the governorship and the way in which they defined the governor's authority, have been elicited.

Drawing upon these conclusions, the primary obligation of the governor and his council to defend the realm is addressed in two separate chapters. Here the emphasis is on the constitutional paradox created by the settlement of 1406, when the same council that appointed the governor also recognised James as king, and made a statutory commitment to seek his return. This paradox was to have a direct bearing upon the extent to which the captivity of King James, and the latter's intrusion during the closing years of the Great Schism, compromised the sovereignty of the Scottish kingdom and the independence of its church. Both of these chapters are set firmly within the context of diplomatic relations with England and France, and the coincidence of the Hundred Years War.

Another legacy of the settlement of 1406 is explored in a further two chapters, and relates to the fact that the constitutional limitations imposed upon the governor had a paradoxical effect on his ability to maintain the balance of power amongst his peers in both the north and south of the kingdom. An assessment of the circumstances of the battle of Harlaw illustrates these limitations most readily, but also demonstrates the relevance of context to a conflict that was an inevitable conclusion to the policies of previous governments. Moreover, the governor's inability to dispense crown patronage and apply the ultimate sanction

of forfeiture not only created difficulties in his relationship with the nobility, but also had repercussions at a local level, particularly with regard to the earl of Douglas who was, in reality, a lesser man than the 'overmighty subject' so commonly portrayed by modern historians. Modern impressions of the governor are also challenged in respect of the conflicting perceptions of contemporaries, who came to view the duke as a credible representative of the crown when it became increasingly unlikely that King James would ever return to his kingdom.

Thus, the ultimate intention of the thesis becomes its final paradox, with the establishment of the considerable achievements of the governorship within the broader continuum of Scotland's constitutional history, demonstrating its relevance to the survival of the very dynasty it is accused of undermining.



## DECLARATION

I wish to affirm that this thesis is entirely my own work, and that no part of it has been published previously in any form.

.....  
(Karen J. Hunt)

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# ABBREVIATIONS

[All abbreviations not listed below follow Donaldson's standardised list, published as a supplement to the Scottish Historical Review in 1963.]

Acts of the Lords of the Isles= The Acts of the Lords of the Isles, edd. J. Munro and R.W. Munro, (S.H.S., 1986)

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Wormald, Lords and Men = J.M. Wormald, Lords and Men in Scotland: Bonds of Manrent, 1442-1603 (Edinburgh, 1985)

Wylie, Henry IV = Wylie, J.H., The History of England under Henry IV, 4 vols. (London, 1884-98)

Young, 'Buchan' = Young, A., 'The Earls and Earldom of Buchan in the Thirteenth Century', in A. Grant and K.J. Stringer, edd. Medieval Scotland: Crown, Lordship and Community (Edinburgh, 1993), pp.174-202.

Young, 'Political Factions' = Young, A., 'Noble Families and Political Factions in the Reign of Alexander III', in N.H. Reid, ed. Scotland in the Reign of Alexander III: 1249-86 (Edinburgh, 1990), pp.1-29.

## CHAPTER I

### INTRODUCTION

Robert Stewart, earl of Fife and Menteith, first duke of Albany, and, ultimately, governor of Scotland, stands as one of the most vilified and least studied figures in Scottish medieval history. Despite a career which spanned four decades and as many reigns, it is apparent to any student of late medieval Scotland that scant attention has been paid to this controversial and enigmatic character. Part of the reason for this paradox lies in the often highly prejudicial portrayals of the early Stewart period as an unfortunate hiatus between the golden age of nationalism in the early fourteenth century, and the beginning of the personal rule of the young and vigorous James I in 1424.

Most recently, the meticulous scholarship of Doctors Boardman and Brown has done much to redress this imbalance with a detailed analysis of the first three Stewart kings, yet there remains room for the study of a period which provides a constitutional isthmus between the death of Robert III in 1406, and the return of his last-surviving son and heir from English captivity eighteen years later.<sup>1</sup>

Another aspect of this bias still persists, however, and derives from the apparent aversion of many modern historians to discuss constitutional issues outwith the confines of the first War of Independence, notwithstanding the obvious parallels between the series of crises occasioned by the untimely death of Alexander III in 1286, and the circumstances that ushered in the period of governorship in June 1406. In this respect, such a prejudice greatly militates against any meaningful appraisal of either Scotland's first governor or his term of governorship. Nor is it possible to offer a qualitative assessment of the achievements of the governorship without reference to the broader context of



the duke's time in office. The Hundred Years War and the Great Schism had already succeeded in bringing the issues of national sovereignty to the fore, but were to prove all the more compelling for Scotland at a time when England's possession of the heir to the Scottish throne was further complicated by the unremitting hostility between the two countries, and the renewed determination of the Lancastrian dynasty to prosecute a war against France, Scotland's traditional ally. In this way, and with constant reference to the twin themes of continuity and context, it is intended to establish the governorship of the first duke of Albany as a credible adjunct to both the early Stewart dynasty and to the constitutional history of late medieval Scotland.

For a contemporary appraisal of the governorship, modern historians have the benefit of two extant chronicles, Andrew Wyntoun's Orygynale Cronikil of Scotland, written c.1420, and Walter Bower's Scotichronicon, penned in the 1440s during the minority of James II.<sup>2</sup> As senior Fife churchmen, Wyntoun as prior of St. Serf's on Lochleven and Bower as abbot of Incholm, it is likely that both men were acquainted with the governor and, as such, offer a credible insight into his character and personal qualities.<sup>3</sup> The governor is portrayed as a most personable figure who was of tall and fair stature, well-educated, charming and witty.<sup>4</sup> In public office he demonstrated his sensitivity to popular opinion and cultivated the common people with rousing nationalistic speeches, and earned their 'innumerable blessings' by refusing to implement such measures as the levying of taxes on at least one occasion.<sup>5</sup> In his dealings with his peers, the governor was much more circumspect, but employed his considerable political skills 'to secure reparation as he wished', thus earning praise for his 'governynge and gret besynes'.<sup>6</sup> Finally, in concluding their largely favourable eulogies, both chroniclers paid

tribute to the duke and his good governance, and afforded him the ultimate medieval accolade as a 'mirror' to all princes.<sup>7</sup>

However, both Wyntoun and Bower have been criticised by modern historians for their overtly 'royalist' propaganda, and for the way in which they either glossed over or ignored the shortcomings of the governor and the magnatial outrages committed during his term of office.<sup>8</sup> Certainly, both men were writing within a literary genre which had promulgated nationalist sentiment and propaganda since the early fourteenth century. John Fordun, writing his chronicle in the 1360s, continued in this vein with his mythical and fabulous history of Scotland's early kings.<sup>9</sup> This was also true of John Barbour, archdeacon of Aberdeen and author of the ultra-nationalistic The Bruce, who, early in the reign of Robert II, gave especial emphasis to the honourable descent of the Stewarts, thereby endorsing the family's recent elevation to royal status.<sup>10</sup>

Drawing upon these same themes, the views of Wyntoun and Bower were further influenced by the fact that both chroniclers had been prompted to write their histories at the invitation of Fife patrons, Sir John Wemyss and Sir David Stewart of Rosyth, respectively.<sup>11</sup> Neither chronicler was, therefore, averse to accentuating the virtues of an earl of Fife for the benefit of contemporaries, as well as for posterity. Yet, the lord of Wemyss had spent some time involved in litigation with the governor, and such was his exasperation with Albany's intransigence, he was moved to seek support from the governor's half-brother, the earl of Atholl, to gain satisfaction.<sup>12</sup> Thus, though he owed a feudal loyalty to the duke of Albany as a Fife landowner, Wyntoun's patron had a most personal insight into one of the less endearing aspects of the governor's character. Moreover, despite the probability that his patron was also personally acquainted



with the governor, Bower wrote his Scotichronicon at least twenty years after the death of the duke and was under less obligation to portray him as a paragon of unimpeachable virtue.<sup>13</sup> In fact, neither Wyntoun nor Bower were completely fulsome in their praise of the duke's abilities as governor. Both attest to the governor's failure to act decisively against some of his more recalcitrant peers, and Bower was especially critical of the 'outrages ... committed by powerful men in the kingdom'.<sup>14</sup>

It is undeniable, however, that, in relating the death of the duke of Rothesay in 1402, both chroniclers drew back from offering direct criticism of the duke's complicity in his nephew's demise; though Wyntoun does mention that contemporary appreciation of the governor's qualities came late, perhaps an acknowledgement of a lingering suspicion over the nature of the young prince's exact fate.<sup>15</sup> Yet it could also be argued that the chroniclers glossed over criticism of Rothesay himself, preferring to employ allegorical means to define the shortcomings of the heir to the throne.<sup>16</sup> For this reason, Bower in particular has been lambasted for his 'moral sententiousness', and for the way in which his Scotichronicon fails to provide a political insight into Albany's term of governorship.<sup>17</sup> In his defence, it should be noted that Bower did not enter the political arena at a national level until after his promotion to Inchcolm abbacy in 1417, but neither was he a particularly political animal and appears untouched by any of the conciliarist views then prevalent.<sup>18</sup> As Mapstone has indicated, Bower confined his constitutional theorising to the merits of strong kingship, as exemplified by Alexander III and James I.<sup>19</sup> Of course, Bower was preparing his chronicle during the magnatial infighting of James II's minority, and intended that his Scotichronicon be used as a 'mirror' for the young king when he came of age.<sup>20</sup> This rationale greatly prejudiced



Bower's view of James II's father, and the abbot went to some length to demonstrate that James I at no time compromised the sovereignty of the kingdom during his captivity in England; a declaration that at best can be regarded as historical licence.<sup>21</sup> Nevertheless, Bower was able to embellish his history with valuable eye-witness testimony for specific events during the governorship, including the foundation of the university at St Andrews and the 1418 General-Council debate concerning the schism; while, as a young man growing up in Haddington at the turn of the century, he could convey the extent to which national security was threatened by the earl of March's defection and the English-sponsored incursions into Lothian that followed.<sup>22</sup>

It was left to Wyntoun, however, more strictly a contemporary of the governorship than Bower, to provide an insight into the duke of Albany's remit when he was appointed as governor at the General-Council of June 1406.<sup>23</sup> Wyntoun was probably present at this assembly, and his evidence is further enhanced by the fact that no official record of these proceedings has survived the passage of time. In this respect, it is all the more unfortunate that the prior chose to conclude his chronicle rather prematurely, thus avoiding some of the more contentious issues that were to face the governor, such as the battle of Harlaw in 1411 and the murder of the earl of Strathearn in 1413. Writing at the beginning of Duke Murdach's short term as second governor, Wyntoun evidently felt disinclined to offer a fuller assessment of the new regent's father so soon after his passing.<sup>24</sup> Later writers were not so inhibited, and the anonymous author of the Liber Pluscardensis - written in the 1460s - lays greater emphasis on the complicity of Albany and the earl of Douglas in the death of Rothesay, but, like the scribe who made his own addition to a manuscript of the Scotichronicon nearly forty years later, was generally

complimentary of the first duke's term in office.<sup>25</sup> The only other insight offered before the end of the fifteenth century was by the English writer, John Shirley, in his Dethe of the Kynge of Scotis.<sup>26</sup> Much less generous in his observations, Shirley stressed the duplicitous collusion of Albany and Douglas in the death of Rothesay, and the way in which their actions inspired the attempt by Prince James to flee to France before his subsequent capture at sea in March 1406. Thus, when Robert III died the following month, Albany's ambitions were fully realised, and he took 'uppone hym the reule of Scotland beyond the Scottishe See', leaving his accomplice, the earl of Douglas, the spoils south of the Forth.<sup>27</sup>

This narrative was to provide the basis around which writers of the sixteenth century were to weave their increasingly subjective observations. Unfortunately the more deductive skills of the scholastic historian, John Major, were not embraced by his pupil, George Buchanan, who, in his Rerum Scoticarum Historia of 1582, chose not to apply his political theories to the constitutional significance of the governorship, and wrote instead of Albany's 'blind ambition to rule'.<sup>28</sup> In fact, despite his scholarly credentials, Buchanan was following the populist approach of Hector Boece in his 1527 Historia Gentis Scotorum. Here the governor is portrayed as a dastardly usurper who conspired to remove both of his nephews to achieve his unwholesome ambitions.<sup>29</sup> This view of the governorship was maintained by other writers in the sixteenth century, such as Bishop John Leslie who offered a more credible narrative than Boece, but still employed the same biased approach when detailing such incidents as the battle of Harlaw.<sup>30</sup> A similar style can be perceived within the work of those who wrote in the post-Union milieu of the eighteenth century, when both Scotland's history and her institutions were compared unfavourably with the model provided by England. Thus, within William

Robertson's History of Scotland, late medieval Scotland is portrayed as a lawless and violent backwater, with the governorship being singled out for particular criticism as a time when 'universal anarchy' reigned supreme.<sup>31</sup> Such sentiments were reiterated by John Pinkerton and were to continue into the nineteenth century with the work of Patrick Fraser Tytler, casting an indelible shadow over the historiography of the twentieth century.<sup>32</sup>

Of course, elements of this tradition suited Balfour-Melville's 1936 biography of James I. In the introduction to his magnum opus, Balfour-Melville gave a clear indication of his intention with the statement:- 'Nowhere is the contrast between the evils of a regency and the benefits of the king's personal rule more clearly illustrated than in the reign of James I.'<sup>33</sup> It is even implied that it was the 'political chaos' of the governorship that precluded the adoption of the king's 'constructive' policies and led to the murder of James thirteen years after his deliverance from English captivity.<sup>34</sup> Balfour-Melville reserved particular venom for Albany's regal assumptions, without ever attempting to identify the constitutional basis for the governor's appointment, while the earl of Douglas was viewed as a noble saviour for his attempt to effect the liberation of the king.<sup>35</sup> Thus, all events which punctuated the period of governorship are rendered on the basis of an adversarial axis, with Albany on one side and everybody else, including King James, on the other. Although an analysis of the nature and duration of the king's captivity is admirably interwoven with the complexities of England's internal politics, this is then applied to the traditional view of the governor as a scheming uncle who persistently blocked the return of his nephew.<sup>36</sup> Similarly, Balfour-Melville offers details of King James's involvement in Henry V's French war, but eschews any meaningful interpretation of the constitutional



significance of the king's actions.<sup>37</sup> This detrimental mix of chauvinism and subjectivity is also applied to the closing years of the Great Schism, with the king's early declaration for the Constance pope applauded at the expense of the governor's obdurate and selfish persistence in favouring Benedict XIII.<sup>38</sup>

This subjectivity is apparent in later work by W.C. Dickinson, whose Scotland from the Earliest Times to 1603, was first published in 1961. Despite a brief but illuminating digression as to the constitutional nature of the duke of Albany's governorship, this is overshadowed by a swift return to traditional themes.<sup>39</sup> A broader sweep of methodology was offered by Ranald Nicholson's Scotland: The Later Middle Ages around ten years later.<sup>40</sup> In what was truly a magnum opus, Nicholson presented a multi-faceted approach to the history of late medieval Scotland, and interspersed his narrative with discussions on such subjects as the Church, government and diplomacy, politics and society, and much more, all of which were placed firmly within the European context. The effect of this approach was to offer a more moderate view of Albany's governorship with, for example, greater reference to the way in which circumstances in England impacted upon the duration of King James's captivity.<sup>41</sup> Yet, Nicholson's reluctance to offer an analysis of constitutional developments in late medieval Scotland, resulted in these brief qualifications being swamped by a return to the traditional narrative. In this way, the 'regal assumptions' of the governor are given their usual emphasis. The actions of the earl of Douglas in 1421 are seen to originate in the latter's resentment at the prospect of an Albany 'dynasty', while the conclusion of the Great Schism is discussed using the traditional terms of reference.<sup>42</sup> Similarly, the time-honoured 'crown versus magnate' model is employed in the analysis of the governor's relations with his peers, with the theme of the

earl of Douglas as an 'overmighty subject' providing an obvious contrast to the more vigorous monarchical rule of King James from 1424.<sup>43</sup> Within this framework the reference to what must be the most oft-quoted extract from any chronicle, the Moray Register's entry for 1398, is used to demonstrate the prevalence of 'general lawlessness' during the early Stewart period, and in particular during the governorship, when the governor himself was the chief beneficiary of this juridical anarchy.<sup>44</sup>

It was against this background that a new generation of historians emerged to provide an alternative model for the study of late medieval Scotland. Championed principally by Doctors Grant and Wormald, the traditionally negative emphasis on the conflicts between the crown and the nobility was eschewed in favour of a revisionist approach which concentrates on their interdependence.<sup>45</sup> Thus, for example, the way in which the Scottish crown delegated authority to the nobility was no longer seen as a weakness, but as a strength.<sup>46</sup> This 'new interpretative framework' has afforded a more penetrating analysis of late medieval Scotland in general, and of the governorship in particular. In this respect, where Grant touches upon the period of governorship, the constitutional limitations imposed on the governor are given equal space with the political narrative, to give a rounder and more objective analysis.<sup>47</sup> The revisionists have also made a plea for a more integrated approach to the study of late medieval Scotland, particularly with regard to the constitutional dimension. As noted earlier, there is an unfortunate discrepancy between the way in which historians analyse the constitutional significance of the events of the first War of Independence, and the two-dimensional treatment meted out to the lieutenancies of the reigns of Robert II and Robert III, which are generally explained in terms of whichever magnatial faction was then in the ascendant.<sup>48</sup>

Unfortunately, the emergence of those who propound what has become known as the 'new orthodoxy', has had the effect of polarising views amongst modern historians, with the revisionists on one side and those who prefer the 'crown versus magnate' model on the other.<sup>49</sup> The most recent work on late medieval Scotland appears to fall into the latter category. With an uncommon attention to detail, Boardman offers an alternative view of crown-magnate relations by demonstrating the way in which the politics of the localities determined the direction of government at the centre.<sup>50</sup> He has also moved away from the predilection of previous historians for larger-than-life characterisations. Thus, Albany is no longer a 'master of chicanery', but a credible figure whose dynamism was matched by his political acuity.<sup>51</sup> However, given the awesome detail of this work, there has been little room left for any discussion of the constitutional implications arising from the frequent periods of lieutenancy during the reigns of the first two Stewart kings, even if the author had wished to include it. Michael Brown follows a similar line in his study of James I and concentrates his analytical skills on the relationship between the king and his nobility. However, despite his achievement in moderating the eulogistic views of Balfour-Melville, the constitutional dichotomies that arose during the king's captivity are understated and given little reign.<sup>52</sup> In more recent work, Brown has given more space to the constitutional dimension, but, like other detractors of the 'new orthodoxy', regards such concepts as the 'Community of the Realm' and the 'Common Weal', as a mere tools of propaganda employed by whoever emerged victorious in the powerplay between crown and magnate.<sup>53</sup>

It is difficult to comprehend why the political narrative and constitutional theory should be regarded as mutually



exclusive subjects, when the latter can only provide an added dimension to the ebb and flow of late medieval politics. Part of the problem lies in the perception of this era as Scotland's constitutional 'Dark Age', with modern historians holding the legal institutions of the medieval period in such low regard as to be unworthy of their sustained scrutiny.<sup>54</sup> It is all the more welcome, therefore, that Hector MacQueen's work has lifted the study of medieval legal principle and practice out of these 'Dark Age' doldrums. In his recent opus, MacQueen has challenged many of the traditional preconceptions regarding the level of lawlessness that prevailed during the late middle ages, and displays his inclination towards the revisionist camp with the interpretation of the Scottish legal system as 'a multitude of partnerships between the centre and the localities'.<sup>55</sup> Other articles on various aspects of Scotland's legal tradition have reinforced the impression of a scholarly renaissance in this field, but, unfortunately, the subject of the Scottish parliament has yet to receive a measure of the same treatment.<sup>56</sup> Indeed, for an analysis of Scotland's parliamentary history, students of the late medieval period have to rely on the rather depressing 'Stubbsian' interpretation published by Rait nearly seventy-five years ago.<sup>57</sup> Professor Duncan has laboured to correct this anomaly with the publication of various articles on the subject, but a magnum opus that supersedes the out-dated analysis of Rait remains unwritten.<sup>58</sup> In O'Brien's thesis on the Scottish parliament in the fifteenth and sixteenth centuries, compelling arguments were put forward for the recognition of Scotland's legislative assembly as a dynamic and viable force in the late medieval political arena.<sup>59</sup> However, despite the inclusion of parliamentary material that is not contained within the official record, this work remains unpublished eighteen years later. Most recently, Julian Goodare has done much to update research into Scotland's medieval parliament with various articles

within the context of the journal Parliamentary History, but appears to be shouldering this burden almost single-handedly.<sup>60</sup>

It is difficult to determine why so many modern historians are reluctant to give due attention to Scotland's parliament in the late middle ages, but it is undoubtedly true that the paucity of extant sources has played some part. Indeed, there are only two items included in the official parliamentary record for the governorship, and neither of these relate to the appointment of the duke of Albany in 1406.<sup>61</sup> This deficiency has had many unfortunate repercussions. In the first instance, it allows the impression that the governor's appointment was an ad hoc solution to the circumstances occasioned by the captivity of the heir to the throne and the death of Robert III. Secondly, when set against the explosion in legislative evidence for the period after the return of King James in 1424, this gap in the record appears to confirm traditional convictions regarding the apathy that prevailed within the legal system during the governorship.

Another corollary is that it militates against a full assessment of the legislative programme pursued during the reigns of Robert II and Robert III, when statutes were enacted that both regulated the exercise of justice and indirectly increased the numbers obliged to attend parliament.<sup>62</sup> Fortunately, however, it has been possible to reconstruct the terms of gubernatorial authority by culling evidence from other sources, and by contextualising this information with reference to the precedents provided by previous guardianships and lieutenancies. In this way, new evidence has been used as an adjunct to the work of Professor Duncan and Dr Atholl Murray, in order to compensate for the lacunae in the official record.<sup>63</sup>

An analysis of the constitutional basis for the governor's



authority is an essential prerequisite to an understanding of all the issues pertaining to the governorship as a whole. Political principles such as conciliar control and the constraints on gubernatorial authority, clearly have implications for the governor's relationship with his peers and the balance of power. In many respects, the circumstances surrounding the battle of Harlaw in 1411 provide a practical elaboration of these principles, but it is also here that the contextual theme of the thesis finds its most valuable application. This theme can be employed to broaden the discussion beyond the personal ambitions of the governor and the Lord of the Isles, to offer a more balanced analysis of the battle's inspiration and its aftermath. Evidence for the nature of the governorship can also be applied to the issues arising from the prolonged captivity of King James. It could be argued that an inverse relationship existed between the status of the young king during his enforced sojourn in England and the constitutional character of the governorship, a premise which has implications for the governor's obligations to defend the sovereignty and independence of the Scottish realm. In order to establish these obligations within the context of European diplomacy, recourse has been made to English records to provide new evidence for the way in which these issues defined the nature of the king's captivity and the Scottish response to it. The responsibilities of the governor also have relevance to the way in which Scotland responded to the political and spiritual complexities of the Great Schism. These obligations and the way in which the aspirations of church and state converged, can be examined to elicit illuminating parallels with the issues that arose during the formative years of the Scottish Church. The copy-book of James Haldenstone, prior of St Andrews from 1418, provides a rich source for the closing years of the Great Schism, but, unfortunately, the prior's personal antipathy towards the governor and his links with the earl of



Douglas, has tended to focus attention on the rather narrow subject of personal motivation.<sup>64</sup> To demonstrate the fallibility of this approach and the misconceptions afforded by hindsight, a broader examination has been made of the relationship between the governor's obligations and the European context of Martin V's election.

Thus, the fundamental objective of the thesis is to strip away the modern veneer of prejudicial historiography and to bring a less partial eye to bear upon the governorship of the first duke of Albany, with the hope that the political narrative and the constitutional perspective can be more readily reconciled.

## NOTES

1. Boardman, S.I., The Early Stewart Kings: Robert II and Robert III (Edinburgh, 1996)

Brown, M.H., James I (Edinburgh, 1994)

2. Wyntoun, Andrew, The Original Chronicle of Andrew Wyntoun, ed. A. Armour (S.T.S., 1908), vol. vi.

Bower, Walter, Scotichronicon, e.d., D.E.R. Watt, [Chron.Bower, (Watt)] (Aberdeen, 1987), vol. viii.

3. Bower became abbot of Inchcolm in 1417, while Wyntoun was elevated to the priory of St Serf's in 1395.

Calender of Papal Letters to Scotland of Benedict XIII of Avignon, 1378-1394, [C.P.L., Benedict], e.d. C. Burns, (S.H.S., 1976), pp.45-6, 365.

4. Chron.Wyntoun, vi, pp.417-8.  
Chron.Bower, (Watt), viii, p.135.

5. Ibid., pp.55-73.  
Chron.Wyntoun, vi, pp.417-8.

6. Wyntoun makes this observation of the future governor when relating the events of 1385 and the Scottish response to Richard II's invasion.

Chron. Wyntoun, vi, p.317.

7. Ibid., vi, p.417.

Chron.Bower, (Watt), viii, p.135.

The similarities between the two texts suggest that both chronicles made use of the official epitaph for the governor.

8. Nicholson, R., Scotland: The Later Middle Ages, [Nicholson, Later Middle Ages], (Edinburgh, 1989), pp.252-5, 278.  
Boardman, Early Stewart Kings, pp.55, 69-70, nn. 78-79.

9. Duncan, A.A.M., 'Hector Boece and The Medieval Tradition', in Scots Antiquaries and Historians (Abertay Historical Society, no 16, 1972), pp.4-5.

Nicholson, Later Middle Ages, p.277.

10. Ibid., pp.184-5.

11. Chron+Bower, (Watt), viii, p.339.

Borthwick, A., 'Bower's Patron, Sir David Stewart of Rosyth', in Ibid., ix, pp.354-359.

12. Fraser, W., Memorials of The Family of Wemyss of Wemyss (Edinburgh, 1888), ii, no. 34.

My thanks to Dr. J. Bannerman for bringing this document to my notice.

13. Borthwick, 'Bower's Patron', p.354.

There is no extant documentation for a meeting between Sir David and the governor, but given the coincidence of the former's floruit with the governorship it is likely that the two men met at some time.

14. Chron.Bower, (Watt), viii, pp.133-5.

Chron.Wyntoun, vi, p.419.

15. Ibid., p.419. Wyntoun only gives the bare facts regarding Rothesay's demise.

Chron.Bower, (Watt), viii, pp.37-41.

16. Ibid., p.39. Note reference to Rothesay indulging in 'unruly games and trivial sports'.

Chron.Wyntoun, vi, p.398.

17. Nicholson, Later Middle Ages, p.278.

18. See n.3 above.



19. Mapstone, S., 'Bower on Kingship', in Chron.Bower, (Watt), ix, pp.321-338.
20. Ibid., viii, p.341.
21. Ibid., pp.309-111.
22. Ibid., pp.77-79, 87-93, 43-45.
23. Chron.Wyntoun, vi, p.416.
24. Concluding his eulogy, Wyntoun expresses the hope that the second governor will have the virtues of his father, indicating that he was writing at the beginning of Duke Murdach's term in office. Ibid., p.419.
25. Liber Pluscardiensis, e.d. F.J.H. Skene, (Edinburgh 1880), ii, pp.257-8, 278.  
  
Chron.Bower, (Watt), viii, p.211, n.4.
26. Connolly, M., '"The Dethe of the King of Scotis": New Edition', in S.H.R., lxxi (1992), pp.46-69.
27. Ibid., pp.49, 50.
28. A History of Greater Britain, J. Major, 1521, ed. A. Constable (S.H.S., 1892) - see p.348 re: Harlaw, for example.  
  
The History of Scotland: George Buchanan trans. J. Aikman, (Glasgow, 1827), ii, p.76.  
  
Mason, R., 'Scotching the Brut: Politics History and National Myth in Sixteenth Century Britain', in R.A. Mason ed. ,Scotland and England: 1286-1815 (Edinburgh, 1987), pp.73-74.
29. The Chronicles of Scotland Compiled by Hector Bruce, trans. into Scots by John Bellenden, 1531 (Edinburgh, 1821), ii, p.480.
30. Leslie's Historie of Scotland, edd. E.G. Cody and M. Murison, (S.T.S., 1895), ii, p.33.

31. Robertson, W., The History of Scotland (Glasgow, 1802), I, p.47.
32. Pinkerton, J., History of Scotland (Edinburgh, 1823-43)
33. Balfour-Melville, E.W.M., James I King of Scots (London, 1936), p.2.
34. Ibid., p.2.
35. Ibid., pp.34-5.

Balfour-Melville, E.W.M., 'The Later Captivity and Release of James I', in S.H.R., xxi (1924), p.97.

36. Balfour-Melville, James I, p.35.
37. Balfour-Melville, 'Later Captivity', p.95.
38. Balfour-Melville, James I, pp.70, 72, 75.
39. Dickinson, W.C., Scotland from the Earliest Times to 1603, 3<sup>rd</sup> edn., revised by A.A.M. Duncan (Oxford, 1977), pp.202-4, 205.

Dickinson, W.C., 'Robert, Duke of Albany, Governor of Scotland', in S.H.R., xxxii (1953), pp.199-200.

40. Nicholson, Later Middle Ages.
41. Ibid., pp.246, 256, 258.
42. Ibid., pp.229, 245-6, 258.
43. Ibid., pp.255-6, 281.

Note the title to the chapter on King James:- 'A King Unleashed'

44. Ibid., pp.209-10, 255-6.

45. Wormald (now Brown), J.M., 'Scotland: The Later Middle Ages: A Review Article', in E.H.R., 92 (1977), pp.599-603.

Wormald, J.M., Court, Kirk and Community: Scotland 1470 - 1625 (London, 1981), especially Chapter 1.

Wormald, J.M., Lords and Men in Scotland: Bonds of Manrent, 1442 - 1603 (Edinburgh, 1985), pp. v-vi, 36-38.

Wormald, J.M., 'Taming The Magnates', in K.J. Stringer ed., Essays on the Nobility of Medieval Scotland (Edinburgh, 1985), pp.270-80.

Wormald, J.M., 'The House of Stewart and its Realm' in J.M. Wormald ed., Scotland Revisited (London, 1991), pp.12-24.

Brown, J.M., 'The Exercise of Power' in J.M. Brown ed., Scottish Society in the Fifteenth Century (London, 1977), pp.33-65.

See also editor's introduction pp.1-9.

Grant, A., 'The Development of the Scottish Peerage', in S.H.R., lvvi (1978), pp.1-27.

Grant, A., Independence and Nationhood: Scotland 1306 - 1469, New History of Scotland (Edinburgh, 1984), especially Chapter 7.

Grant, A., 'Extinction of Direct Male Lines among Scottish Noble Families in the Fourteenth Century', in K.J. Stringer ed., Essays on the Nobility of Medieval Scotland (Edinburgh, 1985), p.218.

Grant, A., 'Crown and Nobility in late Medieval Britain', in R.A. Mason ed., Scotland and England: 1286 - 1815, (Edinburgh, 1987), pp.34-59.

Grant, A., 'The Middle Ages: The Defence of Independence', in R. Mitchison ed., Why Scottish History Matters (Edinburgh, 1991), pp.29-39.

46. Grant, Independence, pp.153, 170.



Wormald, 'House of Stewart', p.15.

47. The phrase is Grant's own:-  
Grant, 'Crown and Nobility', p.53 ,n.12.

Grant, Independence,. P.185.

48. This observation is also made by Wormald:  
'House of Stewart', p.15.

49. Special Issue: 'Whither Scottish History?':  
Proceedings of the 1993 Strathclyde Conference, in  
S.H.R., lxxiii, I: no. 195 (April 1994)

50. Boardman, Early Stewart Kings.

c.f. Grant, Independence, pp.198-9, where it is argued  
that the localities were largely insulated from  
central government politics.

51. Boardman, Early Stewart Kings, pp.177, 194, 255, 266.

For the description of Albany as a 'master of  
chicanery'. See: Nicholson, Later Middle Ages, p.253.

52. Brown, M., James I, pp.17-33.

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## CHAPTER II

### THE GOVERNORSHIP AND THE CONSTITUTION

Three months after the capture of James Stewart by English pirates, and two months after the death of his father, Robert III, a General-Council met at Perth and appointed Robert Stewart, first duke of Albany, governor of the realm of Scotland.<sup>1</sup> Unfortunately, however, no evidence survives from the official parliamentary record for this year, either to elaborate on Wyntoun's statement or to offer any insight into the constitutional basis for Albany's authority during his fourteen years of governorship. Notwithstanding the largely favourable assessments of Albany by contemporary chroniclers, this paucity of evidence has led many historians, from Boece to Balfour-Melville<sup>2</sup> and beyond, into highly subjective and emotional arguments as to the governor's character and ambitions. Much of the criticism centres on what has been described as Albany's 'assumption of royal prerogatives',<sup>3</sup> and this unhelpful predilection is all-pervasive as it serves to prejudice any serious examination of Albany's subsequent years as governor. Yet, although the evidence is piecemeal, it may be possible to reconstruct the terms by which Albany held his office. In order to carry out this exercise it is necessary to determine the factors that may have shaped these terms.

The senescence and infirmity of the early Stewart kings had precipitated the delegation of royal authority to

appointed lieutenants, notably to Albany himself and to his nephew, the duke of Rothesay.<sup>4</sup> Much of the cause for concern during this period related to the apparent inability of either Robert II or Robert III to maintain law and order. However, relations with England and the defence of the realm were also of some import, and this is mirrored in the extant commissions of lieutenandry for the period. In fact, the Treaty of Berwick in 1357 did not inaugurate a new era of peace, and successive attempts to provide for either truce or permanent peace were almost as frequent as their violations on both sides of the Border. In this respect, the history of the lieutenandries during the late fourteenth century and early fifteenth century would seem to suggest an ad hoc arrangement, moulded by circumstance and completely devoid of any preconceived legal or political principles.

The land law of Scotland was based primarily on the tenets of feudalism and, within this framework, provision was made for the wardship of heirs and the administration of their estates. That this provision might have been applicable to Albany's commission as governor, may be determined by reference to the relationship between the private law for guardianship and the appointments of lieutenants prior to 1406, and also by reference to contemporary events in England and France. With regards to the political influences of the period, Scotland is invariably represented by historians as a strongly conservative nation and her parliament accorded a relatively minor role. Nevertheless, it cannot be denied that both the Scottish

parliament and a degree of collective political responsibility were considerations inherent in the various appointments of lieutenants or guardians in the Middle Ages. This is particularly true of the period of guardianship following the death of Alexander III in 1286 and one which, perhaps, offers the most enlightening parallels with Albany's governorship. The extent to which continuity in political concepts can be elicited in Albany's appointment as governor will be given attention. However, before looking at these points in turn, it is of interest to note the brief but illuminating impressions offered by Albany's contemporary, Andrew Wyntoun.

According to Wyntoun's account, the whole estates of the realm held a council at Perth in June 1406, and appointed Albany governor 'by title and seal'.<sup>5</sup> Albany's title as governor was certainly a departure from the nomenclature of earlier lieutenandries, where the forms locumtenens, custos, or wardayne in the vernacular, were employed. Moreover, Wyntoun then goes on to say that the governor 'in all things he seemed to be a mighty king'.<sup>6</sup> These statements would seem to point to a status and authority that, hitherto, Albany had not enjoyed. Yet the fact that this status was assigned to Albany, rather than assumed by him, has been demonstrated by the work of Dickinson on the Aberdeen burgh records.<sup>7</sup> Here it is noted that the burgh court met on 19 April 1406, but was then prorogued until after the Perth General-Council where it was decided that the courts of the kingdom were to be fenced in the name of Albany as governor. All courts, including parliament,



were proclaimed in the name of the reigning monarch, and the fact that these courts were to be affirmed in Albany's name, and not that of James, would seem to confirm Dickinson's statement that Albany was indeed invested with a 'regency of unusual status'.<sup>8</sup>

Many historians, particularly Balfour-Melville, have been highly critical of the fact that all Albany's Acta are given in his own name, attested with his own seal, and dated by the year of governorship, not the regnal year of King James.<sup>9</sup> The latter point can only reflect the fact that James, as yet uncrowned, was not strictly speaking a reigning monarch. Furthermore, as noted above, Wyntoun specifically states that Albany was accorded the seal of office. That the situation presented by the absence of James was not unprecedented can be evidenced by allusion to the circumstances of 1286, when six Guardians were elected to govern the realm following the death of Alexander III and the absence of his heir, Margaret of Norway. Here the Guardians recognised Margaret as their queen but, as she was not yet inaugurated, ruled as representatives of the regia dignitas and not in her name.<sup>10</sup> Like Margaret, James was recognised as king at the General-Council of 1406. This is borne out by Wyntoun, who further qualifies the situation by noting that, as James was captive in England, his insignia were denied to him.<sup>11</sup> This situation was acknowledged by James himself when, in November 1412, he confirmed the lands of Cavers to Sir Archibald Douglas and stated that the charter would be 'sellit with our greete seale in tyme to cum...' and, in the meantime, was to be sealed 'with our awne proper

hande under the signett used in the seilling of our letteris as now'.<sup>12</sup>

The seal of governorship itself has not escaped criticism. It is certainly true that Albany's Great Seal bore certain close similarities to those of Robert II and Robert III, yet there are elements indicative of Albany's non-royal status. These include the ducal coronet, and the fact that the figure is holding a sword rather than a sceptre. In addition, the Gothic lettering of the legend is known to be a feature of the seals of princes, rather than of kings.<sup>13</sup> The heraldic shields on either side of the seated figure represent the royal arms of Scotland and the personal arms of Albany as earl of Fife, respectively. This marriage of personal elements with the symbols of the Scottish realm was also a feature of the seals struck during previous periods of guardianship, and both Simpson and Reid have demonstrated the way in which the iconography of these seals reflected the reality of the political situation.<sup>14</sup> It is the case that the seal used by the Guardians from 1286 until 1292 portrayed a certain anonymous symbolism, with the Scottish royal arms on the obverse complemented by the depiction of St Andrew on the reverse.<sup>15</sup> However, this probably only reflects the practical difficulties of representing more than one Guardian on any given seal.<sup>16</sup> From the evidence presented by Stevenson and Wood, the seals of later Guardians such as Murray and Wallace, and the Great Seal used by John de Soules in the name of King John, similarly employed personal devices.<sup>17</sup>

Finally, perhaps the most simple and obvious motive behind the decision to strike a new seal in the name of Albany, was its importance to the machinery of government. The Great Seal has been defined as the 'seal of the kingdom', without which the royal chancery could not have functioned.<sup>18</sup> On the death of a monarch his seal was broken and a new seal was struck only after the inauguration of his successor. James could not be crowned in his absence, and the representation on the new seal had to be that of the governor. Ironically, the importance of the authority of the Great Seal was shown by James himself and the agreement made with the English government in 1423, regarding his ransom and return. To give validity to the agreement, James had to promise to affix his Great Seal to the indenture within forty days of his return to Scotland.<sup>19</sup> Thus, the new seal struck in silver with the image and style of Albany was a necessary and practical prerequisite to good government, and not a personal assumption of the royal prerogative.

Comparisons with the circumstances surrounding the first War of Independence are again apparent by reason of the continued friction between Scotland and England during the early Stewart period. Indeed, English claims of suzerainty did not end with the Treaty of Edinburgh-Northampton in 1328, and this was another factor that served to shape the basis of the governor's commission. The threat perceived by the claims of overlordship over the Scottish realm by successive English kings is reflected in the extant commissions of lieutenandry in the late fourteenth century and early fifteenth century.



In December 1388, four months after the battle of Otterburn, an invasion by the English was thought to be imminent. Albany, then earl of Fife, was appointed as custos and invested with the authority ad defencionem regni cum potencia Regis ut permittitur contra conantes.<sup>20</sup> By September the following year, however, a truce was concluded and a fragile peace reigned throughout the next decade. The delicate negotiations for a tripartite peace between Scotland, England and France in the late 1390s were unexpectedly interrupted by the Lancastrian revolution and the accession of Henry Bolingbroke as Henry IV in October 1399. Initially, Henry appears to have considered continuing Richard II's policy towards Scotland,<sup>21</sup> but the threat of revolt at home forced him to change his strategy. The earl of March's defection to England in 1400 offered Henry IV a ready diversion from his domestic troubles, and war with Scotland seemed inevitable. In an attempt to avert a potentially disastrous military confrontation, Robert III personally sent an embassy to King Henry with instructions to negotiate on the basis of the Edinburgh-Northampton treaty. This was rejected by Henry who, in August 1400, marched northwards and crossed the Border into the Lothians. Here, Henry IV, portraying himself as a Comyn scion and legal suzerain of Scotland, demanded the homage of Robert III.<sup>22</sup> Henry's claims went unanswered but, when the question of suzerainty was again raised during negotiations for peace in October 1401, the bishop of Glasgow countered by casting doubt over Henry's right to the English throne.<sup>23</sup>

Perhaps because, ultimately, nothing came of these claims, they have been represented by modern historians as a routine ingredient in the Anglo-Scottish dialogue. However, it is unlikely that contemporary Scots felt quite the same way; the memories of an earlier struggle having been recently revived by the poet Barbour during the reign of Robert II. The concern over English aggression was presumably still apparent in 1402,<sup>24</sup> as it certainly was when Albany's two year commission was renewed by a General-Council held at Linlithgow in 1404.<sup>25</sup> Indeed, the last few years of Robert III's reign saw repeated truces being concluded and confirmed, but neither side seems to have been unduly solicitous of peace. Against this background, Albany was appointed governor in June 1406, and the negotiations between Scotland and England during the next fourteen years demonstrate the importance of having a head of state with recognised vice-regal powers. A letter written by Albany to Henry IV in May 1410, is often cited as evidence for Albany's royal ambitions.<sup>26</sup> In the letter, Albany addresses Henry as Dei Gracia Anglorum Regi, defines his own status as governor eodem gracia, and then goes on to refer to subditis nostris.<sup>27</sup> Taken in isolation, these forms would appear to be rather presumptuous. However, in international diplomacy it was important to be seen to be negotiating on equal terms. Earlier, in fact, Henry had attempted to complicate negotiations for peace by casting doubt on Albany's status when, in a letter of 1407, he referred to the latter as governor ut asserit.<sup>28</sup> That the perceived authority of Albany as governor was relevant to the integrity and independence of the Scottish

kingdom, can be evidenced by the English attempts to manipulate the captive James and, thereby, influence Scottish foreign policy.

Since his capture in 1406, James had been kept under close arrest at various royal castles and his communications with fellow Scots were closely monitored. This latter point is seen in regard to the visit made by Hector MacLean of Duart to James in 1407. This visit was only allowed on the condition that MacLean brought no letters without first informing Henry IV.<sup>29</sup> In allowing King James to play a more visible role in international diplomacy in later years,<sup>30</sup> it could be argued that both Henry IV and Henry V were establishing James' credibility to suit their own ends. Although negotiations for James' release during the reign of Henry IV ultimately fell through, they were resumed during the reign of his son and, in 1416, had some expectation of success. It should be noted that it was during 1416 that a General-Council felt it necessary to transcribe Edward III's renunciation of all claims of suzerainty over the Scottish king and realm, which had been conceded as an adjunct to the Treaty of Edinburgh-Northampton in 1328.<sup>31</sup> It may well have been Scottish intransigence over renewed English claims for overlordship that eventually led to the breakdown of the negotiations for James' release early in 1417. If this was indeed an attempt to compromise the loyalty of James' subjects, it was not an isolated occurrence.

The unsettled relations that had existed between the two countries since the appointment of Albany as governor



were exacerbated by the ambitions of Henry V in France. When war between England and France did break out, Scotland played a not insignificant role on behalf of her French ally. In response to the presence of Scottish soldiers in the Dauphinist camp, Henry V brought King James to France in 1420 and had him issue letters under his personal seal directing the Scottish contingent to join with him, under pain of treason and rebellion. According to the Pluscarden chronicler, the Scots refused and replied that they could not serve James while he was a prisoner of the English.<sup>32</sup> These events are reminiscent of the attempts by Edward I to subjugate John Balliol for similar purposes,<sup>33</sup> and, patently, Henry V had analogous aspirations. It was important, therefore, for the Scots to maintain the authority and status of their governor in the face of these pressures.

Yet, as noted earlier, it might be possible to elicit factors other than extraneous considerations that determined the nature of Albany's commission. Feudal law was certainly a factor in the appointments of lieutenants prior to 1406, and this can be seen in relation to the age of majority of heirs. Male heirs were regarded as being in pupillarity until they were fourteen years of age but, according to the medieval compilation of legal practices, Regiam Majestatem, they did not reach full majority until aged twenty-one years.<sup>34</sup> In the General-Council of 1388, Albany was appointed guardian only until either his brother, the earl of Carrick had recovered from an earlier injury, or until his heir, David Stewart, was able, i.e. of age.<sup>35</sup> This is a slightly different translation from that

offered by Nicholson, but one which would explain the sequence of events over the next eleven years.<sup>36</sup> David Stewart was born in 1378 and was, therefore, fourteen years old when he was appointed justiciar south of the Forth.<sup>37</sup> Interestingly, this date also marks the point at which the future governor ceased to act as guardian,<sup>38</sup> and coincides with David's increasingly prominent role in government over the next seven years.<sup>39</sup> In 1399, David Stewart, now duke of Rothesay, was appointed lieutenant at a meeting of the General-Council in Linlithgow. This appointment has been variously described as the culmination of a 'baronial struggle'<sup>40</sup> and a 'palace revolution'.<sup>41</sup> But, whatever the friction between the main players, it should be noted that Rothesay's appointment came when he was twenty-one years old, as had been stipulated in the General-Council of 1388.

Within the legal framework of feudalism, provision was also made for the wardship of estates held by heirs who were either in minority or incapacitated in some way. The appointment of the tutor was generally granted to the nearest male agnate. Thus, in 1405, Robert III is seen to be acting as tutor to his eleven year old son and heir, James earl of Carrick.<sup>42</sup> The tutor had all the authority necessary for the management of the relevant lands and invariably acted in his own name, but with the consent of the minor. Indeed, when Walter Stewart, earl of Atholl, was appointed tutor to the young earl of Strathearn, he made grants of land within the earldom in his own name and attested with his own tutorial seal.<sup>43</sup> The application of feudal law to the question of

regencies has been taken a stage further by McNeill who has identified three types of regent, each corresponding to the classes of tutor or guardian in private law.<sup>44</sup> In order of supremacy there was, firstly, the 'tutor testamentor', who was appointed by the minor's father in his will. Secondly, there was the 'tutor-at-law', who was the nearest male agnate. And, finally, there was the 'tutor dative', who was appointed by the state. According to McNeill, Albany, as uncle to James and heir presumptive, fell into the second category.<sup>45</sup>

The terminology employed for the titles of the lieutenants during the Middle Ages does imply that some reference was made to private law. Not only was the title 'lieutenant' used interchangeably with that of 'guardian', but in a letter written by the chancellor in 1402, Albany is referred to as locum tenens et tutor domini nostri regis generaliter constitutus infra regnum.<sup>46</sup> During his governorship, however, Albany is nowhere noted as tutor of James. Perhaps the absence of King James through captivity led to some uncertainty as to the correct form, although, as will be seen, the governor did administer the estates of the Stewartry on behalf of the king.<sup>47</sup> In contemporary France, Charles VI France employed the terms 'tutor' and 'governor', when providing for the wardship of his children in the event of his death.<sup>48</sup> Similarly, in England, when petitioning the lords of the council in 1422, Gloucester, clearly unhappy with the title 'Defensor', asked to be accorded the status of governor or equivalent, and associates this title with Henry V's provision that he should have tutela - i.e. wardship - of the king.<sup>49</sup>



If it is accepted that Albany's appointment as gubernator was to some extent underpinned by legal principles, it is a natural corollary to expect that he exercised powers similar to those enjoyed by the tutor or guardian in private law. According to Regiam Majestatem, the 'authority enjoyed by lords over the heirs of their vassals and lands is so complete that they would have full powers of disposition and control'.<sup>50</sup> This would seem to be borne out by Albany's earlier commissions as lieutenant when he was invested with the power tam in pace quam in guerra que domino regi incumbuit facere.<sup>51</sup> However, it is evident that this seemingly unlimited authority was not without qualification. Events at the outset of the minority of Henry VI of England call into question some of McNeill's assumptions regarding the direct inter-relationship between private law and the appointment of regents. In 1422, Humphrey duke of Gloucester laid claim to the 'governance of the realm', by reason of the will of his brother, the late king.<sup>52</sup> In denying the primacy of his claim as tutor-testamentor, the lords of the council made it quite clear that Henry V had no right to commit the governance of the kingdom to any person without the assent of the Three Estates.<sup>53</sup> Indeed, in 1318, when Robert I of Scotland nominated Randolph to be guardian in the event of his death and his successor's minority, this was done with the explicit approval and consent of the Three Estates.<sup>54</sup> Thus despite Albany's qualifications to be governor - i.e. the fact that he acted as guardian up until the death of Robert III and, subsequently, became heir presumptive - his nomination

by the Three Estates was the sole derivation of his authority.

The role of parliament and the influences of political theory have, hitherto, featured only marginally in assessments of the early Stewart period. Contemporary ideas with regard to kingship have been represented by Mason as having their theoretical derivation in biblical and classical literature.<sup>55</sup> The king as the fount of justice and defender of the faith are certainly the themes of the fifteenth century works The Harp and John Ireland's Meroure of Wyssdome.<sup>56</sup> This apparently simplistic and paternalistic interpretation of the nature of kingship would seem to be reflected in what is known of the medieval coronation oath. In the General-Council of January 1399, Rothesay's oath as lieutenant is specifically stated to be modelled on that taken by his father, Robert III, in 1390. Thus, Rothesay was to swear to maintain the freedom and rights of the Holy Church, the 'lovable customs' of the people, to punish misdoers, and to 'specially cursit' heretics.<sup>57</sup>

However, more sophisticated arguments as to the nature of kingship had been addressed by such publicists as Thomas Aquinas and Marsilius of Padua in the thirteenth and fourteenth centuries. Admittedly these discussions as to the limitations of monarchical power often took place within the context of papal pretensions and conciliarist aspirations; those such as Triumphus arguing on behalf of papal absolutism, and Marsilius drawing on Aristotelian ideas to justify concepts of limited sovereignty and to elaborate on the role of the

valentior pars in maintaining these limitations.<sup>58</sup> However, in the secular realm, the English jurist Bracton had used the feudal model to emphasise the contractual nature of the relationship between the king and the community, and to insist on the latter's duty to depose an unworthy monarch.<sup>59</sup> Moreover these theories were applied by such writers as the author of Somnium Viridarii to the role of secular rulers, in this case Charles V of France, while similar advice was offered to the contemporary rulers of the German states.<sup>60</sup> Scotland would not have been immune to this debate, and it could be argued that some of these political ideas were given a precocious airing in the period after the death of Alexander III in 1286, when the kingdom was left without a monarch. Then, a succession of guardians were elected to maintain the royal dignity and all were careful to emphasise the fact that their authority derived from the 'Community of the Realm'.<sup>61</sup> The idea that sovereignty was vested in the political community, and not the king, was taken a stage further in 1295 when parliament, alarmed at the prospect of their new king compromising the independence of the realm by serving Edward III in his French wars, took the step of transferring authority from Balliol to a council of twelve elected guardians, who then acted in the king's name as his representatives.<sup>62</sup> The conditional nature of kingship is given further cogent expression within the Declaration of Arbroath in 1320. Here it is asserted that the Community's acceptance of Bruce as king was dependent on his ability to defend and maintain the independence of the Scottish kingdom;<sup>63</sup> with the Community of the Realm reserving the right to depose



Bruce if he proved unworthy to the task. It would seem, therefore, that early in the fourteenth century, the good of the realm was a principle elevated above that of loyalty to an individual king. However, modern interpretations of the Declaration have tended towards extremes, with those who see it as a 'clear statement' of the constitutional relationship between the king and the community of the realm, ranged against others who view it as a propagandist and 'emotive appeal abounding in hyperbole'.<sup>64</sup> Even those who accept that this document was inspired by an element of political theory, argue that such concepts were then suspended until after the return of King James in 1424.<sup>65</sup> Patently, such conclusions not only deny any continuity in political thought, but also portray the period of governorship as an intellectual wilderness.

Loyalty to the Scottish king was certainly not without qualification during this interim period. The chronicler Knighton hints at a conditional relationship between David II and his parliament,<sup>66</sup> and it is particularly apparent during the reigns of Robert II and Robert III that the Three Estates were not entirely complacent in their role as the 'Community of the Realm'. The idea that the political community was obliged to restrain an over-presumptuous monarch was enunciated by Sir Robert Graham when he attacked the arbitrary rule of James I and the king's failure to abide by his coronation oath.<sup>67</sup> Graham's inability to inspire the Three Estates to assume their responsibilities and depose the king, could be taken as evidence of the conservative outlook of the Scottish contemporary political community at this time.

It is certainly true that contemporary chroniclers viewed the forced abdication of Richard II of England in 1399 with great disquiet,<sup>68</sup> however, Wyntoun is a little more circumspect in his criticism and notes that the English king was not afforded a fair trial.<sup>69</sup> As for Bower, recent work by Mapstone has demonstrated the way in which he chose to confine his political theorising to the benefits of good and Godly kingship.<sup>70</sup> Nevertheless, although John Ireland does not advocate outright deposition of a monarch, he does advise that if the king should prove 'miserable and unprofitable to the realm, the pepil mycht put remeid be wis counsal and governyng of him and of the realme'.<sup>71</sup> In this way, power could be transferred from an unworthy monarch to a delegated representative while continuing to maintain the regia dignitas. This option was pursued at a General-Council in 1384, when the Estates noted Robert II's inability to attend personally to the administration of justice, and transferred this responsibility to his son and heir, John earl of Carrick.<sup>72</sup> When Carrick was incapacitated by injury late in 1388, the Three Estates again transferred executive authority to his younger brother, Albany, then earl of Fife.<sup>73</sup> Although in both instances Robert II was not outrightly deposed, it is evident that his exercise of authority was conditional upon his competence.

Further evidence that sovereignty reposed in the Community of the Realm is evidenced by the sequence of events after the death of Robert II in April 1390. Bower's testimony seems to imply that the earl of Fife was re-instated as guardian of the realm before the

coronation of Robert III, which did not take place until August.<sup>74</sup> The chronicler offers no reason for this delay but it was undoubtedly occasioned by the questionable activities of the late king's son, Alexander Stewart, who was then engaged on a personal vendetta in the north.<sup>75</sup> Nevertheless, this delay was no constitutional sleight-of-hand as there is evidence to suggest that a council was held in May, which would coincide with the four week summons required for a General-Council.<sup>76</sup> It was probably at this council that the political community fulfilled their immediate obligations by proclaiming Robert III to be king and delegating executive authority to the earl of Fife.<sup>77</sup> A similar delay appears to have been inaugurated after the death of Robert III on 4 April 1406.<sup>78</sup> If Wyntoun's evidence is accepted, then at least two months passed before the earl of Fife, now duke of Albany, was commissioned as governor. Unfortunately Wyntoun is the only source for an assembly at this time, and it can only be supposed that a council was summoned for four weeks after the death of Robert III and then spent the same time again debating the merits of assigning executive authority to a man who had recently been suspected of contriving the death of his own nephew, the late duke of Rothesay, four years earlier.<sup>79</sup>

As Reid has indicated, a very blatant expression of sovereignty was the ability to hold parliaments, and these were held at intervals by the guardians in the years after 1286.<sup>80</sup> Although it may be unwise to argue on the basis of the vagaries of survival of medieval documents, the absence of any record for the meeting of



parliament during Albany's governorship would seem to suggest that he did not have the authority to summon the same.<sup>81</sup> Previous lieutenants, notably Albany's father during the reign of David II, did hold parliaments in the absence of a monarch, but only after that monarch had been crowned.<sup>82</sup> It may be overly pedantic and anachronistic to make too precise a comparison between the sovereign presumptions of thirteenth century guardians and the authority of a regent who exercised his authority over a century later, but it may be that this particular power was withheld deliberately either because of doubts over the duke's probity, or because there was an expectation that James would soon be delivered. Certainly, from evidence provided by King James himself, it would appear that the same council that appointed the duke as governor, also made a statutory commitment to secure the return of the Scottish king.<sup>83</sup>

Other political principles have a more easily defined lineage, especially with regard to the idea that the medieval king was not omnipotent. Arbitrary rule, particularly in respect of taxation, had already been restricted in the form of indentures between king and parliament in 1326 and 1357.<sup>84</sup> Furthermore, it was repeatedly stated throughout the medieval period that the king could not alienate crown property, nor could the royal writ override the common law.<sup>85</sup> That the latter point was a clear enunciation of a political principle, is even grudgingly accepted by Rait,<sup>86</sup> and is testimony to the idea that, except in certain circumstances, the king was not above the 'positive law'

or lex terrae.<sup>87</sup> With regard to the alienation of crown property, it is apparent that another fundamental principle can be elicited. Where royal grants of crown property were revoked - as in 1357 and 1398, for example - the Three Estates censured the king on the basis that the grants were made sine maturo consilio.<sup>88</sup> That the king should have common assembly and personal speech with the Estates is a stipulation contained within the thirteenth century document known as the 'Scottish King's Household'.<sup>89</sup> This theme of good counsel is taken up by John Ireland and the author of The Harp and, although not an obvious manifestation of the principle quod omnes tangit, it was a concept aspired to by the Three Estates during the period 1388 to 1406. Ideas regarding accountability and conciliar control over the royal executive become increasingly apparent during the early Stewart period, and it may be no coincidence that the political events of the late fourteenth and early fifteenth centuries took place against the backdrop of the Great Schism and a more vocal conciliar movement. The aspirations of the conciliarists were to be embodied in the Sacrosancta decree issued by the Council of Constance in 1415, whereby papal primacy was effectively denied and the pontiff was subjected to a General-Council holding its power directly of Christ.<sup>90</sup> Historians may disagree as to whether there was any cross-fertilisation between clerical and secular thought at this time but, whatever the arguments, the commissions of lieutenandry for the period clearly detail the remit of each lieutenant and state that both the appointments and the actions of the appointees are strictly subject to the approval of the Three Estates.<sup>91</sup>

In the extant commissions of lieutenandry for 1388, 1399 and 1404, provision is made for annual parliaments or General-Councils. The record is incomplete, but for each year, except 1396, either a General-Council or parliament was convened.<sup>92</sup> It is also quite probable that annual assemblies were a condition of Albany's appointment in 1406, as for every year there is definitive evidence for the meeting of a General-Council. [see Table on p.56]

Evidence for a narrower basis for conciliar control comes at the beginning of Robert II's reign with the Privy Council drawing up regulations for the administration of the king's household.<sup>93</sup> The idea of a Secret or Privy council to manage the minutiae of royal government does not necessarily imply political inspiration, yet, one year later, it was ordained that the membership of this council was to be limited to those specifically elected and approved by the Three Estates.<sup>94</sup> Moreover, the possibility that this council might have played a more political role, and been permanently attached to the king, is given weight by the close similarity between the personnel on these councils and the witnesses to Robert II's charters.<sup>95</sup>

The evidence for a Privy Council with a similar function during the reign of Robert III is a little more nebulous, but it is at this time that a clearly defined responsibility for a small advisory body becomes evident.<sup>96</sup> The nominated council 'limited' to the duke of Rothesay in 1399 was composed of twenty-one 'wyse



men' who, in the absence of parliament or General-Council, were to advise the lieutenant and monitor his actions. To ensure accountability to the Three Estates, every administrative act of the lieutenant was to be noted with the date and names of the councillors involved.<sup>97</sup> The membership of this council appears to be broadly representative of social interests, as well as serving a functional purpose with its ex officio members. In this respect, the make-up of the council has close parallels to that detailed by Charles V of France in 1373 for the minority government of his son,<sup>98</sup> and to those nominated in 1422 and 1423 during the minority government of Henry VI of England.<sup>99</sup> The attachment of 'special councils' to the lieutenants of this period was not without precedent. The Guardians appointed by 'parliament' in 1286 were always careful to emphasise the nature of their authority with the use of such styles as 'appointed by common counsel' or 'elected by the community of the realm'<sup>100</sup> and, in addition, a reference dating to 1289 makes it clear that those same Guardians had a council of magnates permanently associated with them.<sup>101</sup>

The evidence for a council 'limited' to Albany during his lieutenantship is less well-documented. In the extant commissions of 1388 and 1404, Albany's appointment is stated to be subject to the scrutiny of the Three Estates but no mention is made of an advisory council akin to that attached to Rothesay. Nevertheless, Ranald Nicholson has suggested that such an arrangement did exist.<sup>102</sup> In the Exchequer Rolls for 1404 to 1406, notice has been made of the auditors

attached to Albany by order of the king.<sup>103</sup> However, the 'Scottish King's Household' uses the same terminology - injunctis eis - to describe the procedure whereby auditors were to be enjointez par commission to the Chancellor and the Chamberlain.<sup>104</sup> Indeed, the Lord Auditors present at each exchequer were not a permanent body but specially deputised for each audit, and Albany as Chamberlain would likewise have had such personnel deputised to him. Of more relevance is an entry dating to 1403, which includes a complaint by Albany regarding payment of his expenses. Here he makes reference to the advice dominorum consiliarum sibi assignatorum pro utilitate reipublice.<sup>105</sup> Unfortunately the council is anonymous, but this single reference may well be indicative of an advisory council working in close association with Albany as lieutenant.

The authority of the lieutenants appointed during the early Stewart period was clearly determined both generally and specifically by the Three Estates. In this respect, the Community of the Realm was governed by political principles and given precedent by the events of one hundred years earlier. These facts, together with the contemporary models for minority governments in England and France, would certainly point to the existence of an inner council to advise Albany during his years as governor. It is difficult, however, to discern from the parliamentary record who this council might have been and how they operated.<sup>106</sup> The evidence for attendance at Albany's General-Councils is limited to the witness lists of charters granted during these assemblies.<sup>107</sup> The personnel noted may well represent an

advisory council elected on an annual basis, but it may be that, like the Guardians of 1289, Albany's council comprised magnates alone. This possibility is given credence by a notarial instrument of 1410, where the claim of John Drummond was heard before Albany and a magnatial council.<sup>108</sup> Aside from the numerical similarity with Robert II's council of 1371, it is interesting to note that those present appear broadly representative of contemporary political interests. Later references to 'lords of the council' during Albany's governorship are in the context of a General-Council, and it is unclear whether these bodies refer to the Three Estates as a whole, or to a smaller sub-committee.<sup>109</sup> Despite the inconclusive nature of this evidence, it would appear that the political community did play a part in constraining the regent's authority, and there are at least two documented instances where a General-Council took decisions contrary to the personal interests of Albany.<sup>110</sup> The cases of Sir John Ross of Hawkhead and of Sir John Wemyss were both long-standing disputes and the verdicts in their favour indicate that the influence of the governor could not circumvent due legal process.

Further definition of the nature of Albany's relationship with the Three Estates is forthcoming by examining his role in foreign affairs. It has been suggested by Fraser that foreign policy was excluded from Albany's commissions as lieutenant prior to 1406, and Wyntoun's account of the visit of the French to Scotland in 1389, would seem to support this supposition.<sup>111</sup> However, particularly after 1402, Albany



played a major role in foreign affairs and there are numerous examples to substantiate this point.<sup>112</sup> Nevertheless, Albany did not have sole discretion in these matters, and this is demonstrated by reference to the events surrounding the siege of Cocklaws castle in 1403 when, before acting, the duke called an emergency council meeting for advice.<sup>113</sup> It is probable that Albany was once again invested with the authority for defence of the realm in 1406 and, as before, his policy decisions appear to have been taken following consultation with the Three Estates.<sup>114</sup> It is true that the appointments of commissioners for foreign embassies, and the articles to be discussed, were invariably made in the governor's own name. Yet, in examining the chronological correlation between the sittings of the General-Councils and the English chancery's issue of the commissioners' safe-conducts, it is evident that the Three Estates played a central role in matters relating to peace and war.<sup>115</sup> This role is more directly substantiated by Bower, who relates that the governor's immediate response to the French request for military aid in 1419 was to summon a General-Council.<sup>116</sup> Moreover, in 1433 James I held a General-Council to ask their advice in relation to an offer by the English to restore Berwick and Roxburgh on the condition that the Franco-Scottish treaty be rescinded. Giving their reasons for refusing this offer, the council made use of the phrase pacem cum libertate, which, though difficult to translate, may refer to the fact that only a General-Council or Parliament had the authority to make or break treaties.<sup>117</sup>

The political and legal principles inherent in the commission of 1406 plainly had implications for the duke of Albany when he came to exercise his authority as Scotland's first governor. This is particularly true with regard with his inability to summon parliament. That parliament, in its role as a final court of appeal, had sole prerogative with regard to the 'falsing of dooms', has the unanimous support of writers on the subject.<sup>118</sup> However, the governor did hold General-Councils, and there is evidence for councils other than parliament being accorded equal responsibilities with regard to the administration of justice. This was the case in 1384<sup>119</sup> and later in 1450 when a General-Council was to 'haf the fors and effect of the parliament now beand'.<sup>120</sup> Yet, in both these instances, it is clear that the delegation of parliament's authority to a lesser council was by the king and this was, therefore, a power reserved to the monarch alone. Questiones and querelae were certainly heard and settled by the governor in General-Council, but there are no extant references to judicia contradicta, or falsed dooms, in Albany's Acta.<sup>121</sup> The commissions of previous lieutenants during the early Stewart period specifically refer to the lieutenants' role in maintaining law and order, and this would undoubtedly have been the case again in 1406. Nevertheless, in the absence of parliament, Albany's authority was obviously limited. The other power generally reserved to the king in parliament was that of forfeiture. In 1399, the duke of Rothesay was granted limited powers to make reward of all escheats and forfeits that fell during his three

year commission,<sup>122</sup> but Albany's authority in this area is less well-defined.

Following his defection to England in 1400, the earl of March had his earldom and other lands forfeited by Robert III. These lands were then granted to March's rival, the earl of Douglas. In a document noted by Bain, it is related that the earl of March was re-admitted to the king's peace in June 1403.<sup>123</sup> However, Regiam Majestatem makes the distinction between restoration to the king's peace and recovery of the heritage; the latter not being reunited with March until 1409.<sup>124</sup> This was done by Albany as governor and, according to Wyntoun, was done legally.<sup>125</sup> Yet Bower states that the earl of Douglas refused to consent to March's full restoration unless compensated for the loss of March's lands with Annandale and Lochmaben castle.<sup>126</sup> This Albany duly did, and he also rewarded Walter de Haliburton, lord of Dirleton, for his role as intermediary in the negotiations.<sup>127</sup>

It has been suggested by Nicholson that the bond of friendship made between Albany and Douglas in 1409, was concluded as further appeasement for the restoration of March.<sup>128</sup> If this was the case, it could be argued that James I's forfeiture of March's son in 1435, then the eleventh earl, also reflects an element of dubiety vis-a-vis Albany's power to reinstate the exiled earl. No reason for the 1435 disinheritance is given in the official record,<sup>129</sup> but Bower states that the eleventh earl was forfeited 'on account of his father's actions'.<sup>130</sup> However, James I's motives have to be



suspect here; he was certainly not averse to employing his prerogative regarding forfeiture, and even Bower comments on his acquisitive nature.<sup>131</sup> Moreover, in referring to the restitution of forfeited lands, Regiam Majestatem makes the point that this must not be done in prejudice of a third party's rights.<sup>132</sup> Thus, in compensating Douglas, Albany was not necessarily circumventing legal propriety for the sake of political expediency. Nevertheless, if in the absence of parliament, the governor did not possess the ultimate sanction - i.e. forfeiture - against unruly magnates, this would have had a bearing on his relations with his peers.

A certain amount of impotency is possibly revealed by Albany's actions following the murder of Patrick Graham, earl of Strathearn, in 1413. According to Bower, the perpetrators of the deed were executed as traitors by Albany.<sup>133</sup> However, it has been suggested that Albany's brother, the earl of Atholl, was the chief instigator of the murder,<sup>134</sup> and, if this was indeed the case, Albany's subsequent decision to award Atholl the lucrative Strathearn wardship appears to be as much an act of cynical realpolitik, as it was indicative of his political limitations. The amount of patronage at the governor's disposal is also relevant to his relationship with the nobility. Albany, as governor, certainly granted offices - notably to his own son in 1407<sup>135</sup> - and his consent was sought for the confirmation of hereditary appointments.<sup>136</sup> But Albany was not king and could not, therefore, dispoise the crown's possessions. It has been pointed out that the records for the

Exchequer Rolls contain no new grants of heritable annuities,<sup>137</sup> and many of the governor's grants of baronies were in the form of confirmations following resignations. Perhaps in realisation of his limitations, Albany employed less formal means to bolster his authority and remain on relatively cordial terms with his peers. These means included bonds of friendship, and his attitude towards some of the more irregular activities of his fellow magnates; such as allowing the powerful Douglas family to regularly pilfer the royal customs. This latter point has been given credence by one historian, who points out that the Douglas and his kin invariably left a receipt and that the earl was, in any case, due reimbursement for the cost of redeeming hostages following the battle of Homildon Hill.<sup>138</sup> These circumstances have interesting parallels with those surrounding the friction between the earl of Northumberland and Henry IV, with regard to prisoners' ransoms after the same battle.<sup>139</sup> Certainly, in turning a blind eye to the activities of Douglas, the governor demonstrated a pragmatism that ensured he would not face a rebellion on the same scale as that faced by Henry IV at Shrewsbury in 1403. These examples of Albany's non-confrontational style have been succinctly summarised by Bower, who comments:-

Quiet authority accomplishes what violence cannot.<sup>140</sup>

Albany's power with regard to the granting of earldoms has also been the subject of some criticism. The two cases in question relate to the earldoms of Ross and Buchan, and both were granted to his son, John Stewart.



The political implications arising from these grants, and their relevance to the battle of Harlaw, will be discussed in a later chapter, however the actual grants themselves are integral to the extent of Albany's patronage. As regards Buchan, Albany had inherited the earldom following the death of his brother, Alexander Stewart, in 1406, and the charter of confirmation specifically states that the grant was made per nos hereditarie. The impressive witness list - including the chancellor, the Marischal, the constable and two earls - would seem to suggest that this grant was legally acceptable to at least some of the governor's contemporaries.<sup>141</sup> It has been suggested, however, that royal confirmation was required before the recipient of an earldom could style himself 'earl'.<sup>142</sup> Indeed, it has been noted that, although Albany's father, Robert the Steward, received the earldom of Atholl from Sir William Douglas in 1342, he was not formally invested with the rank of earl by David II and was, therefore, unable to employ that title on a formal basis.<sup>143</sup> In this respect, it should be pointed out that John Stewart did not consistently style himself earl of Buchan until after Harlaw when, presumably, he had the political confidence to do so.

Similar circumstances arose with the earldom of Ross which Albany held in wardship for his granddaughter Euphemia, following the death of Alexander Leslie, earl of Ross, in 1402. Ignoring the counter claims of his nephew Donald, Lord of the Isles, to the earldom, Albany subsequently induced Euphemia to resign Ross in favour of John Stewart. Although the Lord of the Isles



eventually submitted to the governor one year after Harlaw, it is evident that Donald intended to pursue his interests, as he is later noted styling himself 'lord of the earldom of Ross'.<sup>144</sup> John Stewart soon recognised the futility of his claim and, indeed, there are only three known instances where he is accorded the title, earl of Ross.<sup>145</sup> It would seem, therefore, that there was an element of uncertainty as to the governor's right to assume the royal prerogative with regard to the granting of earldoms, and in both cases the ultimate test appears to be political expediency.

In conclusion, therefore, it has been possible to discern certain principles that determined Albany's appointment as governor. It is also apparent that these same principles were not merely contemporary ideas manipulated by either the Community of the Realm or by Albany himself to justify the vice-regal authority of the latter's office, but can be firmly placed within the continuum of Scottish constitutional history. The very fact of this continuity was relevant to Albany's commission as governor and the relations of Scotland with England. Indeed, it was noted that previous writers had not given due emphasis to the continued threat posed by English kings and their claims of suzerainty over a kingdom whose uncrowned monarch was held captive. This balance has now been redressed and, thus, as with the events of the late thirteenth century, it is clear that both the perceived and actual authority of the regent was integral to the stability and independence of the Scottish kingdom.

Legal principles also underpinned Albany's commission as governor, and it has been demonstrated that some elements of the feudal provisions for wardship were inherent in the commissions of earlier lieutenancies. The Scots, punctilious in matters concerning form and style, drew upon these conventions for the regent's title and the trappings of his office. However, it is evident that the law regarding wardship was not wholly applicable to Albany's governorship, as his authority did not fully accord with that of the tutor. In the absence of the king, the governor was unable to employ the royal prerogatives with regard to the summoning of parliament and the disposal of patronage, and it is here that principle was necessarily tempered by political expediency. This was particularly true of Albany's relations with his peers and helps to answer some, but not all, of the criticisms levelled at the governor. Moreover, the idea that guardian or tutor in private law operated largely without restriction and was answerable only to the minor when he reached his majority, clearly does not correlate with the governor and the exercise of his authority.

Although geographically on the fringes of Western Christendom, Scotland was not intellectually aloof from the conciliar debate and contemporary concepts regarding monarchical limitations and political accountability. These very ideas were given expression in the Scottish model for guardianship - composed in extremis during the first War of Independence - and incorporated into the commissions of lieutenandry during the constitutional crises that punctuated the early Stewart period. It is

known that Albany was appointed by the Three Estates and, in all probability, his appointment was subject to their annual approval at General-Council. In this way, the governor derived his authority directly from the political community, and the conciliar restrictions imposed upon him, although not always obvious from the extant evidence, are implicit in this fact.

It has been seen, therefore, that much of the criticism centring on the duke of Albany's personal ambitions and aspirations is irrelevant to the constitutional basis of his appointment as governor. In this respect, and for these reasons, it is hoped that this realisation will help to lay the ground for a more objective and scholarly assessment of the career of Scotland's first governor.



General Councils, 1406-1420

DATE	Definite/Possible	Source
June 1406, Perth	✓	<u>Chron.Wyntoun</u> , vi, p.193.
Sept., Aberdeen	?	There may well have been an informal council at this time. Note witness lists for confirmations of crown offices. Embassy commissioned <u>c.</u> this time for release of James and common business of the realm. <u>R.M.S.</u> , i, nos. 884, 889: <u>Rot. Scot</u> , ii, 181: <u>E.R.</u> , iv, 37.
March 1407, Perth	✓	Fraser, <u>Menteith</u> , i, p.203. Letter to Henry IV re: problems on the Border. <u>Murray, Acta</u> , RG.20.
July 1408, Perth	✓	<u>R.M.S.</u> , i, no.905: <u>E.R.</u> , iv, 103. Note coincidence with Provincial Council at Perth. <u>Chron.Bower</u> , (Watt), viii, p.180. Hostages for Murdach named. <u>Rot.Scot</u> , ii, 187.
October, Perth	?	<u>R.M.S.</u> , i, no.908.

DATE	Definite/Possible	Source
May 1409, Perth	✓	<u>Chron.Bower</u> , (Watt), viii, p.73. <u>E.R.</u> , iv, 115, 117. <u>Glas. Reg.</u> , ii, 316.
March 1410, Holyrood	✓	<u>R.M.S.</u> , i, nos.918, 930. April peace negotiations at Hadden. <u>Rot. Scot</u> , ii, 194: <u>F.O.</u> , viii, 635.
July 1410, Perth	✓	Continuation of General-Council - GD 160/14/2.
March 1411, Edinburgh	✓	<u>A.B.Ill.</u> , iii, pp.95-6. English commission for truce or peace. <u>C.D.S.</u> , v, 2084
Autumn?	✓	Remission of relief for heirs of those killed at Harlaw (July) - <u>Abdn.Reg.</u> , i, 214-15.
November	?	GD 79/4/79- Governor and nobles associated with Harlaw meet at St. Andrews. December - embassy for liberation of Murdach. Murray, <u>Acta</u> , RG.105.

DATE	Definite/Possible	Source
May 1412	✓	<u>Pannure Registrum</u> , ii, 187-8. <u>Embassy</u> re: James and Murdach. <u>Rot.Scot.</u> , ii, 200.
<u>c.</u> Autumn	?	Warrants for Scottish ambassadors appointed by General-Council, December. <u>C.D.S.</u> , iv, 833.
Summer 1413	✓	Appointment of commissioners to treat with Albany's deputies. <u>Rot. Scot.</u> , ii, 207.  Commission to Scottish envoys to negotiate general truce, by deliberation of council - Murray, <u>Acta</u> , RG.129: Balfour-Melville, James I, p.55. <u>C.D.S.</u> , v, 942: <u>F.O.</u> , ix, 45.
1414, <u>c.</u> May	✓	Appoints commissioners re: release of James I and truce 22 June. Murray, <u>Acta</u> , RG.141: <u>Rot.Scot.</u> , ii, 210. Articles for peace 27 June. Murray, <u>Acta</u> , RG.143.



DATE	Definite/Possible	Source
1415	✓	Letter from Pope, dated 9 March 1415 re: petition from Albany, council of the realm, and earl of Mar. <u>C.P.L., Benedict, 313.</u> [may refer to late 1414].  Commissioners appointed to negotiate truce in May - <u>Rot. Scot., ii, 213.</u>  Entailment of Ross earldom and exchequer audit. <u>S.R.O. R.H.6/243: E.R., iv, 214, 227.</u>
June, Perth	?	
March 1416, Perth	✓	<u>A.P.S., i, 587.</u> <u>H.M.C. 14<sup>th</sup> Report, pt. III, pp.15-16.</u> <u>Duncan, 'Councils-General', p.141.</u> <u>Chron.Bower, (Watt), viii, p.87.</u> <u>Balfour-Melville, James I, p.66.</u> Commissioners granted safe-conducts to negotiate truce in April. <u>Rot. Scot, ii, 217.</u>
June 1417, Perth	✓	<u>A.P.S., i, 589: R.M.S., ii, no.495.</u> <u>French ambassadors present. E.R., iv, 238.</u>  Earl of Northumberland given power to treat for general truce in June. <u>Rot. Scot, ii, 221.</u>

DATE	Definite/Possible	Source
Oct. 1418, Perth	✓	Murray, <u>Acta</u> , RG.168.  <u>St.Andrews Acta</u> , p.13. <u>Chron.Bower</u> , (Watt), viii, p.89.  Safe conduct for Scottish envoy renewed on 26 October. <u>Rot.Scot</u> , ii, 223.
c.October 1419, Perth	✓	General-Council to discuss military aid to France. <u>Chron.Bower</u> , (Watt), viii, p.113.  Safe conducts for Scottish emissaries in November - <u>Rot. Scot.</u> , ii, 225.
1420 c. Summer	✓	<u>E.R.</u> , iv, 339-346. 7/1420 x 7/1421 - payment to nuncios at order of General-Council.  Safe conducts for same nuncios in October 1420 - <u>Rot. Scot</u> , ii, 226.  [Provincial Council held at Perth 26/7/1420 - Patrick, <u>Statutes</u> , pp.80-2.]

Place-dates of Governor's Acta: - Perth 36%, Falkland 16%, Stirling 12%, Edinburgh 9%,  
Doune 7%, Inverkeithing 3%, Aberdeen 2%, Ayr 2%. All others, 1% or less.

## NOTES

1. Chron.Wyntoun, vi, p.416.
2. Boece, Hector, Scotorum Historiae (Paris, 1527): Balfour-Melville, James I, King of Scots (1936).
3. Dickinson, Scotland, p.204.
4. Albany, as earl of Fife, acted as lieutenant from 1388 to 1392. Both Albany and David Stewart received their dukedoms in 1398, the latter being appointed as lieutenant for three years from 1399 to 1402. Following the death of Rothesay, Albany was re-appointed as lieutenant, and remained so until the death of Robert III in 1406. The commissions for these lieutenandries are only extant for the years 1388, 1399 and 1404.
5. Chron.Wyntoun, vi, p.416.
6. Ibid., p.418.
7. Dickinson, 'Robert, Duke of Albany', pp.199-200.
8. Ibid., p. 199.
9. Balfour-Melville, James I, p.35.
10. Barrow, G.W.S., Robert Bruce and the Community of the Realm of Scotland, 3<sup>rd</sup>. edn.(Edinburgh, 1988), p.17.
11. Chron.Wyntoun, vi, p. 416.
12. H.M.C., vii, pt. II, p.727, no.4.
13. Note seals of Robert the Steward and his sons John, earl of Carrick, and Walter Stewart, earl of Athol. Macdonald, W.R., Scottish Armorial Seals (1904), pp.321, 325; Laing, H., Supplemental Descriptive Catalogue of Ancient Scottish Seals (Edinburgh, 1866), p. 129.  
S.R.O. Drummond Writs GD.160/1/7,8: H.M.C.,vii, p.706,nos. 24,25.



14. Reid, N.H., 'The Political Role of the Monarchy in Scotland: 1249-1329', (unpublished Ph.D. thesis, University of Edinburgh, 1984), pp.257,259,261.

Simpson, G.G., 'Kingship in Miniature: A Seal of Minority of Alexander III, 1249-1257', in A. Grant and K.J. Stringer edd., Medieval Scotland: Crown, Lordship and Community (Edinburgh, 1993), pp.131-139.

15. Barrow, Bruce, p.17.
16. Reid, 'Political Role of the Monarchy', p.137.
17. Stevenson, J.H. and Wood, M., Scottish Heraldic Seals (1940), vol. i, pp.6, 25.
18. Duncan, A.A.M., Regesta Regum Scottorum, vol. v, (1988), p.178.
19. Rymer, T. (ed.), Foedera, Conventiones, Litterae et Cuiuscunque Generis Acta Publica, Original edition, vol. x (1710), [F., O.], p.305.
20. A.P.S., i, 555.
21. Bradley, P.J., 'Anglo-Scottish Relations, 1399-1485' (unpublished Ph.D.thesis, Emery University, 1983), p.10.
22. Balfour-Melville, James I, p.18.
23. Nicholson, The Later Middle Ages, p.220.
24. Albany's commission is not extant for 1402, but that year saw the battles of Nesbit Muir and Homildon Hill.
25. Duncan, 'Councils General' p.135.
26. Dickinson, Scotland, p. 202: Nicholson, Later Middle Ages, p.229: E.R., iv, p.xlviii.
27. F., O., viii, 635.
28. Ibid., p.479.

29. The Acts of the Lords of the Isles, edd. J. Munro and R.W. Munro (Scottish History Society, 1986), p.lxxvi. Similar restrictions were imposed on David II during the latter years of his captivity. C.P.R., iii,363.
30. Note the involvement of James in the establishment of Scotland's first university, and his part in the conciliar debate - see Nicholson, Later Middle Ages, pp.243, 245.
31. A.P.S., i, 587.
32. Chron. Pluscarden, ii, pp.262-3.
33. Barrow, Bruce, p.62.
34. Regiam Majestatem and Quoniam Attachiamenta, ed. Lord Cooper (Stair Society, 1947), p.151.
35. A.P.S., i, 555.
36. Nicholson, Later Middle Ages, p.201.
37. Grant,A., 'The Higher Nobility in Scotland and their Estates: c.1371-1424' (Unpublished Ph.D.thesis, Worcester College, 1975), p.109. Here it is suggested that the appointment was probably only titular. E.R.,iii,311.
38. E.R., iii, 312. Albany received 1000 marks p.a. as guardian. The last payment was made to him, in retrospect, on 4 February 1392/3.
39. E.g. E.R., iii, 402, 461: A.P.S., i, 570.
40. Rait, Parliaments, p.28.
41. Nicholson, Later Middle Ages, p.215.
42. R.M.S., ii, no.379.
43. S.R.O. GD. 160/1/8: H.M.C.,vii, p.706, nos.24,25.
44. McNeill, P.G.B., 'The Scottish Regency', in Juridicial Review , New Series (1967), pp. 127-148.

45. Ibid., p.129.
46. Aberdeen Registrum, i, 205.  
Albany's appointment in 1404 was stated to be due to Robert III's great age and weakness. Presumably this 'incapacity' related to his inability to govern the kingdom and not to his competence in overseeing his own family affairs. The royal chancery continued to act in the name of Robert III as the reigning monarch.
47. Eg. Inventory of Lamont Papers, (S.R.S.,1914), p.12, No.21.
48. Ordonnances Des Roys De France (1723-1846), Tom. vii, ed. Secousse , p. ccxxix.  
  
There are also contemporary parallels with circumstances in the Iberian kingdoms, where the king of Castile was under the tutelage of his uncle, King Ferdinand of Aragon, who counter-sealed and authorised all of his nephew's actions.  
F., O., viii, 705; ix, 134.
49. Chrimes, 'The Pretensions of Gloucester', p.102.
50. Regiam Maj., p.152.
51. Duncan, 'Councils General', p.135.
52. Chrimes, S.B., 'The Pretensions of the Duke of Gloucester in 1422', in E.H.R., xlv (1930), p.101.
53. Roskell, J.S., 'The Office and Dignity of Protector of England', in E.H.R., lxviii (1953), p.216.
54. A.P.S., i, 465.
55. Mason, R., 'Kingship, Tyranny and the Right to Resist in Fifteenth century Scotland', in S.H.R., lxvi (1987), p.127.
56. Ibid., p.129: Chron.Pluscarden, i, pp.392-400.
57. A.P.S., i, 572.



58. Wilks, M., The Problem of Sovereignty in the Later Middle Ages (1963), pp.153-4,173,194,555,558.  
  
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Ullman, W., 'The Development of the Medieval Idea of Sovereignty', in E.H.R., ccl (1949), pp.1-33.
59. Wilks, Problem of Sovereignty, p.207.  
  
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60. Wilks, Problem of Sovereignty, p.223, 227.  
Du Boulay, F.R.H., Germany in the Later Middle Ages (London, 1983), p.51.
61. Reid, 'Political Role of the Monarchy', pp.257-8.
62. Barrow, Bruce, p.63.
63. Ibid., p.307.
64. Ibid., p.308.  
Barrow, G.W.S., Scotland and its Neighbours in the Middle Ages (London,1992),p.14.  
  
Nicholson, Later Middle Ages, p.101.  
Brown, M., 'Scotland Tamed?'. P.138.  
Brown, M., 'Right to Resist', p.43.
65. E.g., Cant, R.G., 'Kingship in the Medieval Scottish Realm', in Proceedings of the Conference on Scottish Studies, No. 3 (Old Dominion Univ., Norfolk, Virginia, 1976), p.16.  
Mason, 'Kingship, Tyranny', p.142.
66. Chronicon Henrici Knighton, ed. J.R. Lumby, (1889), p.75.
67. Nicholson, Later Middle Ages, p.321.
68. E.g. Chron.Bower, (Watt),viii, pp. 21-25.
69. Chron.Wyntoun, vi, p.389.

70. Mapstone, S., 'Bower on Kingship', in Chron.Bower, (Watt), ix, pp.321-338.
71. Mason, 'Kingship, Tyranny', p.140.
72. A.P.S., i, 550.
73. Ibid., 556.
74. Chron.Bower, (Watt), viii, p.3.

The date of the coronation is confirmed by Wyntoun, though no mention is made of the fact that Fife was commissioned as guardian before this time.

Chron. Wyntoun, vi, pp.355,357,363,366.

75. Nicholson, Later Middle Ages, p.205.
76. H.M.C., iv, p.528:- charter of new king as Robert III, dated 20 May 1390. The name change from John to Robert was said by Bower to have been made with the consent of the Three Estates, suggesting that a council was held pre this date. Chron. Bower, (Watt), viii, p.3.
77. Boardman offers a different interpretation of these events, stressing the rivalry between Robert III and his brother, the earl of Fife.  
Boardman, Early Stewart Kings, p.174.
78. Chron. Bower, (Watt), viii, p.63.
79. The political implications arising from this delay will be discussed in Chapter V.
80. Reid, 'Political Role of the Monarchy', p.256.
81. The governor did have the authority to summon General-Councils. See Table on p.56.
82. E.g. in 1339 - A.P.S., i, 512. This parliament was held after David II had been crowned, and during his time in France.
83. S.R.O. State Papers [S.P.] 13/12.
84. A.P.S., i, 475-6; Hannay, R.K., 'General-Councils of Estates', in S.H.R., xxi (1923), p.268.

85. A.P.S., i, 492, 509, 535, 547, 571.
86. Rait, Parliaments, p.29.
87. Note that David II employed the principles of Roman Law against the earl of Ross in the late 1360's.  
A.B.Ill., ii, 387-9: Grant, Independence, p.176.
88. Hannay, 'General-Councils', p.267: A.P.S., i, 571.
89. Bateson, 'King's Household', p.31.
90. Nicholson, Later Middle Ages, p.293.
91. Note the opposing arguments of Roger Mason and J.H. Burns:- Mason, 'Kingship, Tyranny', p.142: Burns, J.H., 'The Conciliarist Tradition in Scotland', in S.H.R., xlii (1963), p.92.
92. A.P.S., i, 555-8, 565, 569-75, 577-82: Chron. Bower, (Watt), viii, pp.53, 55: Duncan, 'General-Councils', p.140: Rait, Parliaments, p.134.
93. A.P.S., i, 547 - eight names are listed. These regulations were to be contained in an alio Registra, which is now lost.
94. A.P.S., i, 560.
95. An Index, drawn up about the year 1629, of many Records of Charters, ed. W. Robertson (Edinburgh, 1798), p.xliii.
96. It is clear that the questions surrounding the culpability of Albany and the earl of Douglas in the death of Rothesay, were considered in a private council before the declaration of their innocence under the Great Seal. Likewise the witness lists to Robert III's charters appear indicative of a fairly limited group of personnel, who may well have been permanently associated with the king in government - A.P.S., i, 582: Robertson, Index, p.xliv.
97. A.P.S., i, 572.
98. Ordonnances, Tom. III, pp.49-52.



99. Rotuli Parliamentorum, iv, 175, 201.
100. Barrow, Bruce, p.17.
101. A.B.Ill., ii, 129.
102. Nicholson, Later Middle Ages, p.226.
103. E.R., iii, 608, 613, 642.
104. Bateson, 'King's Household', p.32.
105. Murray, A., 'The Procedure of the Scottish Exchequer', in S.H.R., xl (1961), pp.90-1.  
E.R., iii, 589. It is perhaps no coincidence that the only reference to such a council for Albany as guardian post-dates the death of the duke of Rothesay.
106. There are only two references in the official parliamentary record for Albany's governorship - A.P.S., i, 587, 589.
107. E.g. R.M.S., i, nos.905, 918, 930: A.B.Ill., iii, 95-6.
108. S.R.O. GD 160/14/2. Those present were:- Walter Stewart, earl of Atholl; Archibald, earl of Douglas; George, earl of March; Alexander, earl of Mar; Patrick, earl of Strathearn; Sir William Graham, lord of Graham; Sir John Stewart; Sir William de Borthwick.
109. H.M.C., xiv, pt. iii, pp.15-16.  
Fraser, W., Memorials of the Family of Wemyss of Wemyss (Edinburgh, 1888), ii, p.44, no.34.
110. Ibid., p.44: Duncan, 'Councils-General', p.141.
111. Fraser, W., The Red Book of Menteith, vol. i (Edinburgh, 1880), p.156.  
  
Chron.Wyntoun, vi, p.145- notes guardians's reply to French ambassadors in 1389 - power to make peace or war belongs to the king.
112. E.g. Chron.Bower, (Watt), viii, p.45.

- Murray, Acta, Bundle I, ref. 31.  
Nat. MSS. Scot. Part II, no. 55.
113. Chron.Bower, (Watt), viii, p.53.
114. Authority of General-Council or Parliament in foreign policy not unique to Scotland. Note English response to Scottish proposals in 1368 and in 1407 - Hannay, 'Council General', p.275: Balfour-Melville, James I, pp.36-7. Note also the stipulation of the lords of the council in England in 1423, that foreign policy was by the advice of council, with no singular action to be contemplated. Rot.Parl., iv, 201.
115. Rot. Scot., ii, 178-226. See also Table on p. 56.
116. Chron.Bower, (Watt), viii, p.113.
117. Ibid., p.288, line 10.
118. A.P.S., i, 479: Rait, Parliaments, p.131.  
 Duncan, 'Central Courts', p. 328.  
 Hamilton, P.J., 'The Appellate Jurisdiction of the Scottish Parliament', in S.H.R., xv (1918), p.211.
119. Another prerogative of parliament concerned the trial of crown officers - see Bateson, M., 'The Scottish King's Household', in Miscellany of the Scottish History Society, vol. ii (1904), p.31. However, in the same council that assigned Carrick specific authority re: law and order, parliament is not mentioned and these officers are ordered to compear ad certum locum et tempus. - A.P.S., i, 551.
120. A.P.S., ii, 38-9.
121. Eg. S.R.O. Scrimgeour-Wedderburn Writs GD. 137/3690: GD. 160/14/2,3.
122. A.P.S., i, 572.
123. P.R.O. E 39.102/10 - the original document is badly damaged but appears to be written in a contemporary hand, though it could be an English copy.
124. Regiam Maj., p.166.

125. Chron.Wyntoun, vi, p.394.
126. Chron.Bower, (Watt), viii, p.73.
127. Ibid., p.75: R.M.S., i, no. 920.
128. Nicholson, Later Middle Ages, p.231.
129. A.P.S., ii, 23.
130. Chron.Bower, (Watt), viii, p.291.
131. Ibid., p.251.
132. Regiam Maj., p.166.
133. Chron.Bower, (Watt), viii, p.83.
134. Brown, M., ' "That Old Serpent of Evil Days":  
Walter, Earl of Atholl and the death of James I' in  
S.H.R., lxxi (1992), p.28.
135. R.M.S., i, no. 889.
136. E.g. R.M.S., i, no. 884.
137. Grant, Independence, p.185.
138. Ibid., p.185.
139. Nicholson, Later Middle Ages, p.224.
140. Chron.Bower, (Watt), viii, p.134.
141. Murray, Acta, RG.5.
142. Grant, 'Higher Nobility', p.6.
143. Grant, A., 'Earls and Earldoms in Late Medieval  
Scotland', in J. Bossy and P. Jupp, edd., Essays  
Presented to Michael Roberts, (Belfast, 1976), p.29.
144. Chron.Bower, (Watt), viii, p. 77.  
Nicholson, Later Middle Ages, p.236.
145. R.M.S., ii, no.168: A.B.Ill., iv, 383.  
S.R.O. R.H. 6/2/252.



### CHAPTER III

#### THE KING IN CAPTIVITY

When discussing the implications arising from the enforced sojourn of King James in England, historical research has hitherto been focused almost exclusively on the three-way relationship between the king, the Governor Albany, and the earl of Douglas. Both English and Scottish historians have highlighted Albany as an ambitious and devious obstacle to the king's freedom; while the earl of Douglas is hailed as the saviour whose intervention not only delivered James from his English captors, but the Scots themselves from the awfulness of the Albany governorship.<sup>1</sup> Moreover, the negotiations for James' release enjoy only brief allusion and are generally described as 'sporadic and fruitless'.<sup>2</sup> Little effort is made to elicit the extent to which James' captivity compromised the sovereignty and independence of the Scottish kingdom, or to set these negotiations more explicitly within the historical context of Anglo-Scottish diplomacy during the Hundred Years War. Recent appraisals of the deliberations during the latter years of David II's captivity have centred more deliberately on the English government's intentions and ambitions and, although the documentation for James' captivity is less direct, new evidence has allowed a more detailed reconstruction of the subject matter and conditions that characterised the contacts between the two countries during the period of governorship.<sup>3</sup>

Anglo-Scottish relations between the late thirteenth and late fifteenth centuries have been succinctly summarised

by Storey as a 'series of official truces punctuated by open warfare'.<sup>4</sup> Indeed, such a truce was in operation when the young James Stewart was brought before the English king at Westminster, before being sent to begin his imprisonment at Windsor Castle.<sup>5</sup> However, the truces which had prevailed between England and Scotland since Homildon Hill in 1402 failed to mask an enduring enmity that had repeatedly erupted into border raids, and was exacerbated by Scotland's refusal to recognise Henry IV as king.<sup>6</sup> Indeed, within England itself, Henry IV's accession had precipitated recurrent expressions of magnatial rebellion and disquiet. In an attempt to buy support King Henry was provoked into a dangerous spiral of overspending, prompting higher taxation and even further criticism.<sup>7</sup> Moreover, England faced the double jeopardy of Owen Glendower's rebellion in Wales and the renewal of French aggression both in Aquitaine and along the English coast.

The Treaty of Bretigny, concluded in 1360 between Edward III and King John of France, was intended to resolve Anglo-French differences by acknowledging English sovereignty over Aquitaine, Poitou and Calais, with Edward reciprocating by renouncing his claim to the French crown. However, peace was to endure for less than a decade and, by 1369, the Hundred Years War was back to haunt the international political scene. Henry IV had made clear his commitment to his French duchy by conferring the title Duke of Aquitaine upon his son, Henry Prince of Wales in 1399. The response of Charles VI of France was to break the 28-year peace treaty of 1396, with hostile raids in Aquitaine and Calais, and to

confer the title Duke of Guienne upon his heir in 1402.<sup>8</sup> Aside from the English government's diplomatic efforts, King Henry responded by repeatedly making plans to take personal charge of a retaliatory expedition to Guienne which, owing to a combination of ill-health, lack of finance and, perhaps, a lack of political will, were not put into effect.<sup>9</sup> Such was King Henry's failure either to confront the difficulties within his realm or to respond decisively to French aggression that, as early as 1406, there were those who felt his abdication to be imminent.<sup>10</sup>

Ever since 1401, the Commons had exerted a growing degree of control over the royal administration by insisting that the king's councillors be appointed and charged in parliament. However, it was during 1406 that such close restrictions were imposed upon the king's authority that one historian has gone so far as to describe the 'Long Parliament' as 'the greatest surrender of Henry IV's reign'.<sup>11</sup> The 31 Articles that the king was forced to accept represented an unprecedented degree of control over the royal person and appeared to reduce King Henry's status to that of a minor.<sup>12</sup> The named council that was to exercise supreme authority over Henry IV and his government until October the following year, included the Prince of Wales who had become a natural focus for many magnates uneasy with the king's somewhat quiescent style, particularly with regard to the renewal of French hostility.<sup>13</sup> In this respect, the king's influence over foreign policy may well have been constrained by the increasingly prominent role of his son's supporters in Anglo-French diplomacy



from 1406 onwards.<sup>14</sup> In addition, King Henry had again been visited by another acute episode of his mysteriously debilitating illness in April 1406, and it is apparent that there are some examples of the king's failure to take even a nominal interest in foreign affairs.<sup>15</sup>

The particular relevance of these constitutional changes to the early period of James' captivity may well be seen in his move to the Tower of London by summer 1406.<sup>16</sup> The Commons' complaints regarding the inappropriate freedoms allowed to the Scots prisoners were not voiced until the third parliamentary session of October of that year, and probably related to the presence at King's Lynn of Albany's son, Murdach, and the earls of Douglas and Orkney, during the August preparations for Princess Philippa's voyage to Denmark.<sup>17</sup> However, James' move from Windsor to a more secure regime may have been an early indication of the council's concern and, indeed, of their influence.

James' close confinement within the Tower was mitigated somewhat by the fact that his escort, captured with him from the Maryenknight, remained in his company during his captivity. The 'decent household' referred to by Bower, was headed by the earl of Orkney and included Sir Archibald Edmonstone, various esquires and at least two chaplains.<sup>18</sup> It is interesting to note at this point that a financial record of January 1407 makes reference to a certain 'John Lynne, chaplain'.<sup>19</sup> It is difficult not to conclude that this is the same John Lyon, chaplain of the Lord of the Isles, who was previously

supposed not to have entered James' service until 1411.<sup>20</sup> Aside from his immediate entourage, James would also have had some communication with other Scots detained in England since 1402 and, although James does not appear to have enjoyed Murdach's company until 1408, it is known that he had some contact with his noble kinsmen, the earls of Douglas and Mar, when they were in London.<sup>21</sup> Others who enjoyed James' company included Griffith, the son of the Welsh rebel Owen Glendower, who is first mentioned as being held with James in the Tower in December 1406 and remained with him until March 1411.<sup>22</sup>

As noted in Chapter II, the obligation to ensure the return of their king was enshrined in statute at the General-Council of June 1406 when the duke of Albany was appointed as governor. Accordingly, the immediate response of the Scots to James' capture was to send a herald to the Scottish embassy that was already in England, with instructions to treat for the king's deliverance.<sup>23</sup> This was followed by another three embassies of progressively senior rank before the end of 1406.<sup>24</sup> Perhaps because these diplomatic endeavours failed to secure the immediate return of the Scottish king, it would be reasonable to agree with traditional views of the complacency of the governorship with regard to the plight of the young king.<sup>25</sup> Moreover, although James was acknowledged as King of Scots at the June General-Council, this recognition is not mirrored in the Scottish exchequer records prior to 1410, and has been interpreted by at least one historian as reflecting the

governor's view that his nephew was 'merely the heir to a vacant throne'.<sup>26</sup>

In contrast, English acceptance of James as king was almost immediate and, apart from occasional blips in 1408 and in 1419, James was accorded his full royal title as King of Scotland throughout the period of his captivity.<sup>27</sup> Yet, Henry IV's acceptance of James as King of Scots must surely be seen in the same context as his failure to acknowledge the duke of Albany as governor. By referring to Albany as either 'governor of the realm, as he asserts' or 'governor of the land of our Adversary', Henry IV was implicitly denying the validity of the constitutional arrangement agreed by the Scottish General-Council.<sup>28</sup> Thus Henry IV's protest to the governor's envoys regarding the possibility of Albany taking 'advantage of name and right of title of governor', was more than mere political posturing in response to the failure of the Scots to recognise the legality of King Henry's title.<sup>29</sup> Of course, an acknowledgement of Albany as governor with full authority to act as James' 'noble depute', would have considerably demeaned the latter's status in Anglo-Scottish negotiations. In addition, English references to the 'land of Scotland' were chillingly reminiscent of Edward I's attitude towards Scotland and his claims to overlordship, suggesting that Henry IV meant to pursue the issue of English sovereignty.<sup>30</sup> Thus, these seemingly insignificant diplomatic exchanges have the potential for offering an illuminating insight into the English government's intentions while they held James captive.



In Chapter II it was deduced that Albany's authority would have included the important provision ad defencionem regni, which had consequent implications for the maintenance of Scottish sovereignty and independence. It was, indeed, only a few years since the English king had invaded Scotland and demanded homage from Robert III and his magnates for the Scottish realm. Moreover, Scottish nobles were again invited to come into Henry IV's obedience six months before the debacle at Homildon Hill and, until his death in 1406, Robert III was consistently referred to as merely 'our Adversary'.<sup>31</sup>

In this respect, the first priority of the Scots was to establish the authority and status of the governorship as an equal partner in Anglo-Scottish diplomacy. To this end, the Scots opened negotiations with England with a view to pursuing either a peace settlement or a long truce, prior to the expiry of the current truce at the end of March. In a letter to Henry IV in March 1407, the governor indicated the General-Council's agreement to a one-year extension to the present truce and offered to send commissioners to Hadden in August to discuss a more permanent arrangement.<sup>32</sup> It is notable that within this correspondence the duke was careful to emphasise his concililiar authority and employed his full title as governor of the realm of Scotland, with the added clarification regis Scocie genitus. However, the diplomatic exchanges that took place throughout the early months of 1407 demonstrate that Henry IV and his council disagreed as to how to respond to the overtures

made by the Scots. It is quite possible that the English king was restrained by his council from agreeing too readily to an Anglo-Scottish truce. Letters written by Henry's senior prelates in March 1407 repeatedly exhort the English king to delay in responding to the duke of Albany until consultations with his council in London had taken place and, in the meantime, King Henry was advised to authorise John of Lancaster, his son and warden of the East March, to extend the current truce for short periods only.<sup>33</sup> It is notable that 1407 was the year that Prince Henry markedly increased his attendance at Council meetings and it is distinctly possible that he, together with Thomas Langley, the bishop of Durham, encouraged a stricter line with the Scots.<sup>34</sup>

There is no direct evidence that the English government at this time exploited their possession of James to induce the Scots to accept English suzerainty, but it is worth noting that negotiations on a similar level took place during the captivity of David II in the 1350's. Here the government of Edward III appeared reluctant to countenance a final peace as this would have given implicit acknowledgement to the independence of Scotland.<sup>35</sup> The apparent hostility of the English council towards an early peace settlement was probably also influenced by the existence of the 'Mammet', a certain Thomas Warde who was maintained at the Scottish court and promoted abroad as Richard II. The potential of this 'pseudo-king' to foment rebellion amongst those unhappy with the Lancastrian usurpation was obvious, and the rumours surrounding his existence even pervaded the

royal household.<sup>36</sup> Moreover, at this time there was arguably even greater concern regarding the resumption of relations between Scotland and France. The Franco-Scottish Treaty had been renewed in Paris in February 1407, but it is likely that discussions were initiated soon after the duke of Albany assumed the governorship.<sup>37</sup> It is not known whether the treaty included provision for mutual aid, but English anxiety must have been heightened by the invasion of Aquitaine by the duke of Orleans and the move against Calais by the duke of Burgundy, both taking place in the same month as the treaty was finalised.<sup>38</sup>

It was probably a combination of these anxieties that prompted Henry IV to allow the temporary release of the earl of Douglas. The indenture made between the earl and Henry IV on 14 March 1407 obliged the former to press for a sixteen-year truce on his return to Scotland or, failing that, to honour a one-year truce along the Scottish marches.<sup>39</sup> There is a possibility, however, that Henry IV's intentions were once again frustrated by his Council as it appears that Douglas did not return to Scotland for at least two months after the indenture was made.<sup>40</sup> The return of Douglas did little to influence the Scottish government, the only outcome being a meeting between the Scots and John of Lancaster, the latter commissioned in July 1407 to treat for a truce only until Easter.<sup>41</sup>

Meanwhile, King James and Griffith Glendower had been transferred from the Tower of London to the care of Lord Grey of Codnor at Nottingham Castle on 10 June 1407.<sup>42</sup>



Walsingham states that the move was on account of the plague that visited London in that same year, yet James was to remain there for at least a further two years.<sup>43</sup> Lord Grey was a close supporter of King Henry and it may be that his continued custody of the young king, long after the danger of plague subsided, signalled a change in the balance of power within the English government. Indeed, Thomas Arundel, the Archbishop of Canterbury, had replaced Bishop Langley as chancellor in January 1407, marking the beginning of King Henry's political revanchism. In August the same year, Henry IV summoned a parliament to meet at Gloucester, far removed from London and the influence of Prince Henry's supporters, and when the assembly finally met in October the king was able to re-establish his control and engineer the dismissal of his continual council.<sup>44</sup>

Traditional accounts of James' 'honourable confinement' and his close association with the court of Henry IV, are given credence by the presence of the English king at Nottingham for much of the summer and autumn of 1407, when James appears to have been included in the diversions arranged for the royal party.<sup>45</sup> By his favourable treatment of the young king, it may well be that King Henry was attempting to make his royal captive more malleable, and through him exert greater control over the Scottish polity. This was the policy pursued by Edward III towards David II during the 1350's when English demands included an acceptance of overlordship as a precondition for the liberation of the Scottish king.<sup>46</sup>

It was also during the summer of 1407 that Hector Maclean, a nephew of the Lord of the Isles, received a safe-conduct to come to the presence of King Henry in order that he might have 'colloquy with his liege lord, the King of Scots'.<sup>47</sup> Whether access to James was solicited by the Lord of the Isles, or was at the invitation of Henry IV is uncertain, but is notable that Maclean's visit was strictly constrained by the condition that no messages or letters were to be passed to King James without prior notice being given to the English king.<sup>48</sup> Indeed, this provision is identical to that which was imposed upon the captive David II and his communications with his own subjects.<sup>49</sup> Aside from his ties to the MacDonald family, Hector Maclean was closely involved in the administration of the Lordship of the Isles and his visit is generally represented as being relevant to the MacDonald claim to the earldom of Ross.<sup>50</sup> However, the English commission that followed Hector's visit was in connection with Henry IV's wish to curtail MacDonald intervention in Ireland and, thus, these exchanges do not necessarily signify an attempt by the Lord of the Isles to undermine the governorship.<sup>51</sup>

Of more direct relevance to King James were the discussions between the English and Scottish government that persisted throughout the summer of 1407. An English commission of 17 August, authorised Eure, Umfraville and Mitford to treat with the Scots regarding truces within a certain term, but with no mention of peace.<sup>52</sup> The failure of these discussions is manifest by the proclamation, less than one month later, for an immediate array against the governor Albany who was

apparently proposing an invasion of England with French aid, in breach of the current truce.<sup>53</sup> It is unclear whether these plans were ever effected, at least on so large a scale as feared by the English, but were enough for King Henry to revive his earlier strategy by authorising the temporary release of the earls of Douglas and Orkney shortly afterwards. The annual Scottish General-Council had been held in March 1407, but it is likely that a lesser council was held in October, when Douglas and Orkney were amongst those assembled to discuss policy towards England.<sup>54</sup> Any discussions within Scotland were likely to have been superseded by the murder of the duke of Orleans in Paris on 23 November 1407.<sup>55</sup> With his death and the eruption of civil war, any hopes that Scots may have harboured for either military aid or diversionary action within France itself were greatly diminished.

Scottish uncertainty over recent events may well have underpinned the governor's delay in responding to a letter of Henry IV, in which he had offered safe-conducts for Scots commissioners.<sup>56</sup> In his letter of November 1407, Albany thanked the English king for the civility shown towards the earls of Mar and Douglas, and to his son, Murdach, and indicated that he planned to send his intentions with an embassy. There is no documentary evidence extant for a senior embassy at this time and it is possible that this contact was thwarted by a show of force by the prince of Wales. According to Monstrelet, it was around All Saints' Day in 1407 that a force of 12,000, supposedly in response to Scottish raids in the North of England, crossed the Scottish



border and firent grant damage.<sup>57</sup> Although this event is not mentioned by either Bower or Wyntoun, and the anomalies within the French chronicle detract from its reliability, Monstrelet's account may well be a metaphor for the state of hostility that prevailed between the two countries at the end of the year. It was only a short time later that John of Lancaster, writing from Warkworth Castle, was driven to complain of the dilapidated state of Berwick and other castles, and his fears that the Scots would take advantage of this state of affairs, particularly with regard to Fast Castle, which was then in the throes of an ambush.<sup>58</sup>

During the winter of 1407/8, Anglo-Scottish relations remained typically strained, but there is no evidence to suggest that the Scots offered anything other than their tacit support to what was to be the last significant rebellion against the first Lancastrian king. The Percies had sought sanctuary in the North since the failure of their 1405 insurrection and, thereafter, had used Scotland as a base from which to garner support from the disaffected in the north of England, and to maintain diplomatic contact with Welsh rebels and the French court.<sup>59</sup> However, Northumberland's show of force on the battlefield at Bramham Moor in January 1408, achieved little beyond the death of the main conspirators, leaving the youngest Percy, now heir to the forfeited earldom, to take refuge in Scotland. While the bishop of Durham was installed in the north to deal with the aftermath of the rebellion, diplomatic contact between the two countries was re-established in April 1408, when the English March wardens were

authorised to treat for a one-year truce from Easter.<sup>60</sup> This amelioration in relations was probably expedited by the offices of the earl of Douglas who had journeyed back and forth across the Border during the autumn of 1407.<sup>61</sup> Clearly, Henry IV fostered the expectation that Douglas would help to temper Scottish hostility and, to this end, the English king allowed the earl several favourable concessions before again sanctioning the latter's return to Scotland in April 1408.<sup>62</sup> It is certainly the case that the release of Douglas coincided with the opening of negotiations for the liberation of Murdach which, less than four months later, were to progress to the point where hostages were nominated.<sup>63</sup> However, the main motivation behind Henry IV's most recent diplomatic endeavour is likely to have concerned his most prized captive, the King of Scots.

By 1408, James was approaching the age of 14 and, though still a minor, under feudal law should have been enjoying greater discretion over the direction of his own affairs.<sup>64</sup> It is distinctly possible that Henry IV intended to exploit James' changing status and use him to impose certain conditions upon the Scots, in which acceptance of English suzerainty was implicit. This was the motivation of Edward III when he sanctioned the temporary releases of David II during the 1350's, and it is surely not too presumptuous to suppose that Henry IV entertained similar aspirations.<sup>65</sup> It has already been noted that early in James' captivity he enjoyed informal contacts with at least some of his subjects by means of his servants, and some form of communication probably continued in this manner. Sir John Edmonstone, brother

of Sir Archibald, crossed the Border in October of the same year, while Robert Welles, esquire, may well have been a servant in the entourage of the Scottish king, and he is noted as travelling from England to Scotland in August 1407.<sup>66</sup> The safe-conduct for John Stewart of Innermeath to come to King Henry's presence at Nottingham is given added significance by the coincidental presence of James at the same residence, and may well indicate an attempt by King Henry to acquaint James' kinsman with his intentions on a more personal level.<sup>67</sup> Moreover, letters written by James at the beginning of 1412 demonstrate that his personal retainers had conveyed his letters to members of the Scottish council many times previously, and these contacts probably date from this period.<sup>68</sup>

James was to remain at Nottingham throughout 1408, and was visited by Henry IV on several occasions during the spring and summer, perhaps in an attempt to solicit the Scottish king's intercession in Anglo-Scottish relations.<sup>69</sup> It was while King Henry was on one of his northern tours that safe-conducts were issued for John Sinclair and Sir John Forrester to come to his presence. This audience with the English king was probably in advance of a visit made by the earl of Orkney on behalf of 'prince James', and may well reflect King Henry's wish to determine the reaction of the Scots to the return of James.<sup>70</sup> It was also at this time that the English chancery first made reference to James as the 'self-called King of Scotland'.<sup>71</sup> It is possible that this was merely an innocuous slip of the pen, but may be indicative of a change of tack on the part of the



English king, with the realisation that his manipulation of James was having little impact upon the Scottish polity. The concern of the Scots regarding English intentions is evidenced by the commissioning of an embassy to France, which returned to Scotland sometime after 20 April 1408.<sup>72</sup> Following a General-Council at Perth in July, it is possible that a more senior delegation was sent to the French court, returning via England towards the end of October.<sup>73</sup> It is probable that the Scots intended to galvanise the two French factions into reaching some measure of accommodation, thereby, enabling the French government to offer their ally more meaningful support. Significantly, this was the first recourse of the Steward and his government in 1351 when it was feared that a settlement for the return of David II would compromise Scottish sovereignty.<sup>74</sup> Sixty years later, the Scots may have viewed a more active alliance with France as a similar form of insurance against the possibility of unacceptable demands being made during discussions for the liberation of James.

In the interim, however, the negotiations for James and Murdach had not arrived at any practical conclusion. This diplomatic impasse was probably related to the marked decline in King Henry's health from June 1408.<sup>75</sup> Prince Henry had attended all the council meetings during the early months of 1408, but he was soon back in Wales to oversee the sieges of Aberystwyth and Harlech, leaving Archbishop Arundel to deputise for the stricken king.<sup>76</sup> Despite the fact that a one-year truce appears to have been agreed earlier in the year, the lack of

firm direction occasioned by the poor health of Henry IV allowed the Scots to contemplate frequent incursions over the Border, and they had even considered the possibility of retaking Roxburgh Castle.<sup>77</sup> To the English warden of the East March war appeared likely in the summer of 1408 and, such was the devastation wreaked by the Scots, many northern counties of England were exempted from the tenth which was granted the following December.<sup>78</sup> Despite this blatant hostility, and only three weeks after the discovery of the Roxburgh plot, the Scots held a council meeting at Perth in October 1408, when it was agreed that representatives should be sent to England to discuss the liberation of King James.<sup>79</sup> Given the seniority of the embassy commissioned to come before Henry IV, it must be assumed that the Scots held some expectation for their king's imminent release or, more probably, that complex conditions had been attached to his deliverance.<sup>80</sup> Balfour-Melville, maintains that this embassy did not set out and, admittedly, there is no extant evidence from either English or Scottish sources to indicate that the ambassadors ever reached their destination.<sup>81</sup> Perhaps the escalation in hostilities between the two countries precluded the visit of such a high-ranking commission, and it may have been around this time that the earl of Mar was recalled from abroad 'on account of the wars and disturbances then rife'.<sup>82</sup>

The threat of full-scale war, if ever intended by the Scots, had subsided by April 1409 when negotiations for a final peace or truce were scheduled for the twenty-first at Hadden. However, hopes for a peace settlement

failed to be realised, and all that was achieved was yet another extension to the current truce, just prior to its breakdown when the 'men of Teviotdale' took possession of Jedburgh.<sup>83</sup> The stalemate in peace negotiations may well have been related to the failure of the earl of Douglas to honour his parole obligations and return to Durham by Easter 1409. For his part, the earl's decision to break his agreement with Henry IV was probably influenced by the restoration of his long-time rival, the earl of March. As noted earlier, the earl of March had been in exile in England since 1400, and possession of his forfeited lands had been enjoyed thereafter by the earl of Douglas, who then remained sole guardian of the Scottish marches.<sup>84</sup> The earl of March had been a useful ally to Henry IV and, in particular, his advice and support played a vital role in the English government's victory at Shrewsbury. Though the earl and his family enjoyed both the patronage and protection of Henry IV as a result, their persistent poverty was apparently only one aspect of their unhappiness as exiles.<sup>85</sup> According to the Eulogium, the motivation behind March's defection was to effect the death of the Earl of Northumberland and 'other enemies of Scotland'.<sup>86</sup> This was certainly the perception of the Percy retainers who ensured that the Dunbar family suffered 'great enmity' at their hands.<sup>87</sup> Furthermore, it is clear that the rivalry between the houses of Douglas and Dunbar was not suspended during their respective residencies in England as, when the Countess of March wrote to Henry IV in c. 1407, she complained bitterly of the intimidation visited upon her family by the retainers of the earl of Douglas.<sup>88</sup> It is



possible that Douglas' decision to return to Scotland was prompted by his fear of royal recrimination as, in a charter of February 1409, he referred to his 'escape from his enemies of England' six months earlier.<sup>89</sup>

The legal and constitutional implications surrounding the return and reconciliation of the two earls has already been discussed, yet hitherto, there has been little attention paid by modern historians to the impact on border security arising from the absence of the senior March earls for such an extended period. Although Wyntoun writes convincingly of the earl of March's loyalty, the presence in England of a senior magnate with detailed knowledge of border defences and local terrain must have been of some concern back in Scotland.<sup>90</sup> This is particularly true with regard to English policy towards her northern neighbour in the aftermath of Homildon Hill when, with the support of the earl of March, Henry IV was apparently intent upon subduing Scotland south of the Forth.<sup>91</sup> Thus, Duke Robert's capture of Innerwick and the siege of Cocklaws in 1403 were not isolated events but part of the ongoing belligerence between Scotland and England that was played out in Dunbar's former domain, and which was to last for the duration of the latter's exile.<sup>92</sup> Indeed, the earl of March's seat at Cockburnspath remained in his hands, exposing the defences of the earl of Douglas at Dunbar only seven miles further north.<sup>93</sup> This threat to Border security may well have been the rationale behind Robert III's decision to grant the earl of March a pardon in 1403, although his return was not negotiated until 1409.<sup>94</sup> Once back in Scotland, the knowledge

gained in England by the Dunbar family was fully exploited and contributed to the taking of Fast Castle one year after the family's return.<sup>95</sup>

The Anglo-Scottish truce agreed at Hadden in April 1409 was as short-lived as it was ill-kept, and in November another English commission was required to negotiate a new truce or final peace.<sup>96</sup> By this time, however, Henry IV's grip on government was beginning to falter. Constrained by his lack of finances, King Henry was compelled to call a parliament towards the end of 1409. This assembly was summoned to meet at Bristol but, owing to pressure from the prince and his confederates, it was redirected to Westminster in December.<sup>97</sup> The king's eclipse was now imminent and shortly after the parliamentary session began, the two key posts of chancellor and treasurer were assigned to Thomas Beaufort and Scrope of Masham, respectively, both close associates of the Prince of Wales.<sup>98</sup> For the next two years, Prince Henry and his cabal appear to have enjoyed almost total control over the council, leaving the king to retire to the provinces.<sup>99</sup>

Aside from the need to control royal finances, the main concern of the Prince of Wales and his new council can be seen by the parliamentary confirmation of the English crown's annexation of Aquitaine and the prince's appointment as Captain of Calais. Together with his previous appointments as Constable of Dover and Warden of the Cinque Ports, the prince was now firmly in control of Anglo-French diplomacy.<sup>100</sup> It is also intriguing to note that the last payment to Lord Grey

for the guard of King James at Nottingham, coincided with Prince Henry's increasing involvement in government affairs.<sup>101</sup> By relieving Grey, a loyal servant of the king, Prince Henry was demonstrating his wish to exercise stricter control over the Scottish king and his cousin, particularly with regard to negotiations for their release. For the next two years the English archives are devoid of any record for the captivity of either James and Murdach, and it is possible that both Scots were brought closer to the capital where they were surrendered to the care of one of the prince's trusted associates.<sup>102</sup> Yet instructions given by Henry IV in January 1410 to his squire Edmund Bugge for a mission to Scotland, would seem to indicate that the king did not relinquish authority to his son immediately after the last parliament.<sup>103</sup> In the letter, King Henry conveys his personal irritation over the failure of the earl of Douglas to return to the ward of John of Lancaster at Durham in keeping with 'the honour of the ordre of knyghthood'. The king even goes as far to offer the liberation of the governor's son, Murdach, without ransom and the establishment of a 'ferme pees' or long truce, if the 'forsaid Erl entre agayn as prisoner as he is holden'.<sup>104</sup> More controversially, however, the final paragraph suggests that the duke of Albany was contemplating a marriage between his daughter and John of Lancaster, the king's son and Constable of England. This proposal was apparently first aired by the governor in a letter written in November 1409, and delivered to King Henry by Sir James Douglas of Strathbrock and John Busby, canon of Moray.<sup>105</sup> In his reply to this letter, dated the following month, Henry made clear that he was



unable to respond to Albany's proposal without deferring the matter to his council for mature deliberation, but promised to send a servant to Berwick with his answer. There is no extant evidence for a meeting of the Scottish General-Council during November 1409, and it is unlikely that the council would have endorsed a proposal which, by so increasing the international status of the governor, would blunt their constitutional control.<sup>106</sup> Moreover, whatever Albany's personal aspirations, Henry IV's instructions to Bugge in January 1410 make it clear that the governor had not replied to the king's earlier letter and, it is probable that the governor's rash foray into international marriage negotiations was firmly and conclusively checked by his peers, a fate that was soon to befall Henry himself.<sup>107</sup>

Neither the firm peace nor the long truce envisaged by King Henry came into effect. Following a General-Council held at Holyrood in March 1410, a Scottish embassy was commissioned to negotiate a truce for the duration of one year.<sup>108</sup> This was duly confirmed by the governor on 6 May, with the expectation that the English would reciprocate before the end of the month.<sup>109</sup> However, no confirmation was forthcoming and, instead, a new English embassy was instructed to meet with the Scots in June to negotiate an even shorter truce to last until All Saints' Day 1410.<sup>110</sup> This change in tack may well mark the beginning of Prince Henry's involvement in Anglo-Scottish relations, as according to one historian, the struggle for authority between Henry IV and his son endured until the time of this embassy.<sup>111</sup> It is probable that the English failure to observe diplomatic

formalities and confirm the April truce, provoked the Scots into another round of cross-border offensives, sanctioned by the General-Council which remained in session. Fast Castle, on the Berwickshire coast, was taken by Patrick Dunbar, a younger son of the earl of March.<sup>112</sup> In May, the inhabitants of the north of England were once again exempted from taxation and the bishop of Durham and earl of Westmorland were excused from council business to deal with the crisis.<sup>113</sup> The presence of Langley and Neville did little to diffuse tension and, fearing an invasion by the Scots, the English council were then obliged to issue orders for an array in the north in July.<sup>114</sup> Given the virtual breakdown in Anglo-Scottish relations, it is unlikely that either the Scots or the English kept their appointment to meet in June, although, after the threat of invasion had passed, the Anglo-Scottish border was remarkably quiet. There was to be no further diplomatic contact until October of that year when Albany, motivated by concern for his son, wrote to inform Henry IV of his intention to send a senior embassy to Hadden in February 1411.<sup>115</sup> Limited in his actions by the prince and his council, King Henry was only able to offer a lesser commission to meet for preparatory talks at Kelso in January.<sup>116</sup> Little else was achieved before the end of 1410, barring the resumption of low-level contacts with Murdach and James.<sup>117</sup>

In contrast, the following year saw an acceleration in diplomatic activity which was motivated by Prince Henry's desire to secure the northern border with Scotland. A peaceful frontier would allow the prince to

turn his attention to France, and to realise the potential for English interests occasioned by the French civil war. The three-year truce the English agreed with Charles VI in December 1409 had been superseded by the ascendancy of the duke of Burgundy and his ambitions in Calais. By April 1410, the English parliament was genuinely concerned by the prospect of full-scale war with France, and subsequent negotiations were only able to secure short truces.<sup>118</sup> Moreover, aside from the unwanted diversion occasioned by an Anglo-Scottish war, an important consideration for the English council was the huge cost involved in maintaining a secure northern border. During this period, the expenses incurred on the Anglo-Scottish marches were almost twice that required in Ireland, and two thirds of the total necessitated by the defence of Calais.<sup>119</sup>

Accordingly, the two English wardens were authorised in April 1411 to treat for a general truce and appoint conservators.<sup>120</sup> Following a General-Council in March, the Scots reciprocated with an embassy to negotiate the liberation of James and Murdach, and this was closely followed by an agreement for more senior ambassadors, led by the bishops of St Andrews and Glasgow, to meet at Hadden in June.<sup>121</sup> The inclusion of the experienced jurists Newark and Holme in the entourage of the bishop of Durham, is an indication of the intention of the English council to proceed to serious discussions regarding the release of the Scottish king.<sup>122</sup> There appears, however, to be some doubt as to whether the June meeting ever took place. The head of the English embassy, the bishop of Durham, remained in the north



throughout the summer but was preoccupied by an episcopal visitation.<sup>123</sup>

The reason why the talks scheduled for June did not proceed arose from a combination of events in both countries. In England, the monetary difficulties facing the prince and his council forced the summoning of a Great Council in March 1411, over which King Henry personally presided.<sup>124</sup> This was the king's first appearance in the capital since the previous year and, together with the council's inability to manage the supply granted at the last parliament for the intended three years, signalled a weakening in Prince Henry's authority and credibility, introducing an element of confusion into the direction of policy.<sup>125</sup> Circumstances in Scotland constituted a more direct and obvious obstacle to serious Anglo-Scottish diplomacy during the summer of 1411, with the crisis occasioned by the battle of Harlaw. The exchequer audit was suspended and an embassy to France was recalled ex magna causa.<sup>126</sup> However, the fact that the Scots fully intended to resume the discussions regarding James and Murdach at a later date, is plainly illustrated by English preparations in September to receive the same high-ranking commissioners as those granted safe-conducts in April and May.<sup>127</sup>

It is apparent that James also entertained some expectations regarding his deliverance. The summer months of 1411 reveal the first instance of conclusive evidence that the young king attempted to take a more direct hand in his own fate. Letters written by James

in January 1412, cite both his chaplain, John Lyon, and Sir William Cockburn, as bearers of his correspondence to and from Scotland on previous occasions.<sup>128</sup> As noted earlier, Lyon was in the Tower with James in January 1407, and may well have been included amongst the king's original entourage.<sup>129</sup> It is clear, therefore, that the one-year safe-conducts granted to Lyon and Cockburn in June 1411, represent their return journeys and the delivery of replies to the king's earlier letters.<sup>130</sup> The confidence of the king was soon checked by the failure of the English council to appoint commissioners of a similar status to those of the Scottish embassy. Accordingly, the Scottish envoys, headed by the bishop of Glasgow, were replaced in September by a lesser embassy, while Sir William Hay and Sir William Borthwick were commissioned in October to negotiate a truce with Sir Thomas Grey and Sir Robert Umfraville.<sup>131</sup> The disappointment of King James was mitigated somewhat by the fact that an embassy led by the lord of Lorne, suspended from April, was re-issued safe-conducts to travel to England on behalf of James and his cousin in September.<sup>132</sup>

However, these diplomatic efforts appear to have done little to advance the cause of the Scottish king. The decision of the English council to ignore King James at this time was probably motivated by the recurrence of Henry IV's illness, and by the sudden turn of events in France.<sup>133</sup> By July 1411, heightened hostility between the Burgundians and the Armagnacs had culminated in the expulsion of John the Fearless from Paris, prompting the duke to turn to England for aid.<sup>134</sup> Ever since his rise

to prominence in the English council, Prince Henry had been inclined to favour an accord with the duke of Burgundy, believing that Burgundian support held the greater prospect for English recovery in Aquitaine.<sup>135</sup> The subsequent alliance between the prince and John the Fearless was underpinned by the dispatch to France, in the autumn of 1411, of an English force to bolster Burgundy's army in his confrontation with the Armagnacs. The resulting victory at Saint Cloud was soon followed by Duke John's march into Paris to reclaim his control over the French government.<sup>136</sup> The Scots, motivated by the need for a strong ally, had already tried to avert the descent of France into factional turmoil and now redoubled their efforts by re-commissioning the embassy that had been interrupted by the battle of Harlaw.<sup>137</sup> The main aim of Scottish diplomacy at this time was, of course, to disrupt the Anglo-French rapprochement, but in this they failed as the duke of Burgundy remained resolutely intent upon pursuing his alliance with England.

King Henry, meanwhile, having briefly asserted his authority in March 1411, did not relax his efforts to regain full control of his council and government. In September he attempted to recover his political standing by planning a personal campaign to France to safeguard the English port at Calais.<sup>138</sup> However, the recurrence of his chronic malady so undermined his position that the royal voyage was cancelled, leaving the prince of Wales free to pursue his own agenda in France.<sup>139</sup> Nevertheless, the meeting of a parliament in November 1411 while the prince of Wales was outwith the capital,



fatally wounded the cause of the king's son and his associates. Moreover, Bishop Beaufort's misjudged proposal that King Henry should abdicate on the grounds of ill-health, so stunned parliament that the assembly readily acquiesced to the subsequent exclusion of the prince and his chancellor from the council for the remainder of the reign.<sup>140</sup> The appointment of Arundel as chancellor on 19 December 1411, was to mark the beginning of the king's final flush of authority.<sup>141</sup> The standing council was dismissed and the royal prerogative, seriously curtailed in the parliament of January 1410, was reaffirmed.<sup>142</sup> The relevance of this change in government to the captive James can be evidenced by the sudden reappearance of the Scottish king in the English record, and the ensuing diplomatic activity in his behalf.

Since 1409, and during the preponderance of the prince of Wales, the English records had remained curiously silent as to the whereabouts of King James.<sup>143</sup> During the politically significant period between his appointment as chancellor and his formal assumption of office, the Archbishop of Canterbury appears to have been inappropriately delayed until January 1412, and it is possible that he used this time to arrange custody for the government's most important prisoner at Stratford Abbey.<sup>144</sup> It was from Stratford Abbey that the Scottish king was to write several letters to Albany and other members of the Scottish council on 30 January 1412.<sup>145</sup> By these letters James indicated that the English king was well-disposed towards his liberation.<sup>146</sup> This attitude of Henry IV marks a deliberate change in

English government policy since the winter of 1408/9, the most recent occasion for high-level discussions regarding James' deliverance. King Henry's willingness to countenance James' return would appear to be borne out by the assertion in the Liber Pluscardensis that the English king's will directed his son to release James without any ransom.<sup>147</sup> Scottish historians have generally regarded Henry IV rather benignly, making much of King James' high standard of education and his inclusion in the royal court, yet it is highly likely that Henry IV, 'subtle and cunning against his enemies', encouraged James to believe that his prolonged captivity was due to his uncle's complacency, rather than the fault of the English government.<sup>148</sup> Moreover, James' threat 'to sek remede of our deliverans otherqware', may well reveal Henry IV's true motive in allowing the young king to cajole his subjects in this manner, with the hope that the Scots would accept English sovereignty if pressurised by their own king. There is also the possibility that this other 'remede' had more sinister undertones and signifies an attempt by Henry IV to conjure up memories of Edward III's threat to enforce the terms agreed with David II at Newcastle in 1351 by military means.<sup>149</sup>

James was now eighteen years of age and the tone of his letters suggests an impatience and forcefulness in keeping with his approaching adulthood. Aside from his threat to consider alternative means of liberation, James was clearly asserting his authority as a king who has been recognised as such by his subjects. Not only did he offer the lords Graham, Erskine and Montgomery a

reward to lobby for his return, but he makes deliberate reference to the 'duty' of the governor to pursue the General-Council ordinance of June 1406 regarding his deliverance.<sup>150</sup> The Scottish king's correspondence also discloses the fact that James had differing opinions as to the willingness of his nobles to act upon this ordinance. Although he falls short of accusing his uncle of outright obstruction, James makes known that the governor had not replied to any of his previous letters.<sup>151</sup> Indeed, even though the king asked that his envoy, John Lyon, be 'wel commendit', there is no evidence that the governor ever complied, and it is notable that Lyon enjoyed a more welcoming reception from the Marcher earls and at least three others. However, other retainers associated with James did receive recompense for their labours on behalf of their king.<sup>152</sup> Yet, it must be noted that a lack of unanimity amongst the Scottish lords as how to deal with the king's approaches is indicated by the fact that not all of the recipients appear to have replied to his earlier letters.<sup>153</sup> It is probable that their silence merely reflects the official line taken by the General-Council and the need for a unified front during these delicate negotiations. On this point it is pertinent to note that there was a contemporary concern that the English king would seek to exploit any divisions that surfaced amongst the Scottish political community, and 'step in upon the least breach in our intestin jaws'.<sup>154</sup>

The Scottish king's expectation that discussions would proceed were well-founded. It is probable that John Lyon presented his master's case at the May 1412 General-



Council, before returning to England with the replies to James' letters.<sup>155</sup> The success of Lyon's mission is evidenced by the issue of safe-conducts for a large Scottish delegation, headed by the bishop of Brechin, in May 1412.<sup>156</sup> The more conciliatory stance adopted by the new English administration is indicated by the publication of a six-year truce on 17 May 1412, the longest to be agreed since the capture of James.<sup>157</sup> Discussions had also been in progress since the end of 1411 for the liberation of James' cousin, Murdach. Subsequent to the change in the English administration, Albany had commissioned George Dunbar, the earl of March's son, and Busby to negotiate his son's ransom. However, it was not until next May that progress allowed for the naming of hostages.<sup>158</sup> Despite this apparent breakthrough in relations, the wording of the new truce is testimony to the continuing failure of the English government to recognise either the validity of the governor's title or the independence of the Scottish realm.<sup>159</sup> Consequently, although the truce agreement makes clear that the negotiations for James and Murdach were to be on a separate basis, the treaty had serious implications for the Scottish king's liberation settlement.<sup>160</sup>

Yet again, however, progress towards a settlement was temporarily interrupted by developments in France. Early in 1412, both the Armagnacs and the Burgundians had sent delegations to England, in the expectation of securing military aid to support their respective campaigns.<sup>161</sup> In April, apparently still undecided, Henry IV had briefly forbidden his subjects from aiding either

of the French factions.<sup>162</sup> However, the Armagnacs' offer to surrender Aquitaine was to prove too seductive and a treaty was agreed in May 1412.<sup>163</sup> The English king had planned to honour the English side of the bargain by personally leading an English force against the Burgundians but, probably owing to his declining health, dispatched a force under the command of his son, the newly-created duke of Clarence.<sup>164</sup> When Clarence disembarked off the Normandy coast in August, the earl of Arundel, sent in October 1411 to aid Burgundy, was still there. The ludicrous scenario of two English armies on foreign soil with opposing war aims was only surpassed by the total irrelevance of their presence, when the two French factions reconciled their differences only days after Clarence's arrival.<sup>165</sup>

Scottish fears of the other 'remede' threatened by James, probably prompted the Scots into using diplomatic means to appease the contending parties in France. The presence of the earls of Douglas and Orkney in Flanders sometime in 1412, could have been at the invitation of the duke of Burgundy in an attempt to counteract King Henry's alliance with the Armagnacs. According to Beaucourt, it was around this time that John the Fearless sought to cultivate the political favour of the duke of Albany by the delivery of gifts.<sup>166</sup> But a strong and unified France was of greater benefit to Scotland, and it is possible that official contacts between the two countries after the English treaty with the Armagnacs, galvanised the French factions into some semblance of amity at Auxerre in August 1412.<sup>167</sup> With English acceptance of the French reconciliation and

Clarence's withdrawal to Gascony, attention was once more focused on the King of Scots.<sup>168</sup>

In October 1412, Master Alexander Carnis and Master Gilbert Cavan were issued safe-conducts to treat and commune with Henry IV on 'certain matters'.<sup>169</sup> Their discussions were probably preliminary to the four-man embassy appointed by the Scottish General-Council in December to negotiate the return of King James.<sup>170</sup> The inclusion of George Lawder, a burgess, is a probable indication that discussions had progressed to the point of ransom arrangements. The bishop of Brechin, the lord of Graham, Alexander Ogilvy, Lany and Wemyss, granted safe-conducts in May 1412, may have remained down south negotiating on James' behalf during the English intervention in France. All of them, except the lord of Graham and Lany who had a safe-conduct in December, appear to have returned to Scotland only after the death of Henry IV.<sup>171</sup>

Further testimony to the expectations for James' release is evidenced by his own Acta and his itinerary during the same year. By November 1412, James was comfortably ensconced at the Archbishop of Canterbury's manor at Croydon, where he made two charters of confirmation to Sir William Douglas of Drumlanrig and his brother, Archibald.<sup>172</sup> The brothers had travelled to England in June 1412 ostensibly for the purpose of knightly endeavours, but are then found eliciting the support of the Scottish king in confirming their possession of disputed lands.<sup>173</sup> The contentious nature of these charters demonstrates the expectations amongst some



sections of the nobility that the king's return was anticipated.<sup>174</sup> Likewise, negotiations for Murdach, suspended last summer, were now progressing towards a favourable conclusion. In February 1413, Sir Walter Stewart of Railston and John Lethe received safe-conducts to travel to between England and Flanders to finalise ransom arrangements.<sup>175</sup> By the end of the year, however, the deliverance of either James or Murdach under the direction of Henry IV was looking increasingly unlikely. An acute relapse of the king's recurrent illness had left him seriously incapacitated, and the situation required all the political skills of the chancellor and the king's son, Thomas, to resist the opportunistic machinations of the prince of Wales and his supporters.<sup>176</sup> Moreover, the six-year truce had not endured and was replaced in February 1413 with an agreement for one year only.<sup>177</sup> A parliament had been summoned in December 1412 and though the king was at Westminster when it met in February 1413, the prince was already encroaching upon his father's authority while simultaneously plotting his downfall.<sup>178</sup> However, the tactics of the opposition were soon rendered irrelevant by the king's continuing physical decline and his eventual demise on 20 March 1413.

With the death of Henry IV, the significance of the Scottish king's captivity in Anglo-Scottish relations entered a new phase. The evidence for sovereignty claims over James and his subjects becomes less circumstantial and more clearly defined. The close working relationship latterly apparent between King James and Henry IV, ended abruptly with the transfer of James and Murdach to the

Tower within days of Henry V's accession.<sup>179</sup> King Henry's clear disavowal of his father's apparent latitude is also evidenced by the arbitrary imprisonment of many other Scots.<sup>180</sup>

Furthermore, King Henry's intention to exploit his possession of the Scottish king to the full is manifested by an unpublished document detailing the latter's forced attendance at the English king's coronation.<sup>181</sup> Aside from the ceremony for the Knights of the Bath, the proceedings formally began on the eve of the coronation with a procession from the Tower to Westminster Hall and, traditionally, the immediate royal retinue included the heirs of the greater magnates and those who owed homage and fealty to the new king.<sup>182</sup> It is not inconceivable that King James was included in this procession to provide a clear demonstration of the English crown's superiority over the Scottish king, prompting parallels with the public humiliation endured by David II when he was led through London to the Tower after his capture in 1346.<sup>183</sup> It is also notable that the ceremonial rendering of homage and fealty, normally performed immediately after the coronation service, was done only three days after the passing of Henry IV.<sup>184</sup> There is no record for James' involvement in this show of formal subservience, either at this time or at the repeat ceremony which followed the coronation. If indeed there had been, the Tudor chronicler and propagandist, Edward Hall, would undoubtedly have been the first to point it out.<sup>185</sup> Perhaps the mere presence of the Scottish king at the coronation was deemed sufficiently symbolic for the time being.

There is, nevertheless, no indication as to whether the new king discussed the conditional liberation of James with any of the Scottish commissioners then in England. The bishop of Brechin and his embassy had been sent to England in May 1412, to discuss the deliverance of James.<sup>186</sup> One of the ambassadors, the lord of Graham, was back in Scotland by December 1412, when he was granted a further safe-conduct to return south.<sup>187</sup> However, there is no documentation for the bishop's whereabouts until after Henry V's accession. It is intriguing to note that certain unnamed Scots were committed to the Tower by the king's sergeant-at-arms on 8 April 1413, and then released one week later without payment of fee.<sup>188</sup> It is not unreasonable to speculate that these Scots, so surreptitiously incarcerated, were members of a recent delegation sent on James' behalf. Certainly, Gilbert Cavan and John Lyon had recently been employed by both James and the Scottish government to conduct negotiations on the question of the king's liberation, and were held in the Tower until 12 April.<sup>189</sup> In this respect Henry V was signalling his intention to deal harshly and decisively with the 'Scottish problem'. It was, after all, the prince and his party who had complained of the freedom allowed to the Scottish prisoners during his father's reign.

The Scottish response to the confrontational style of Henry V was a refusal to confirm the recently-arranged truce, which had been agreed by the English king after his accession.<sup>190</sup> This prompted English fears of a renewal of cross-border hostilities, and reinforcements



were sent to the English-held garrisons in the north in July 1413.<sup>191</sup> John Sinclair, brother of the earl of Orkney, was sent to England towards the end of April to discuss the deliverance of James before going on to France, ostensibly for feats of arms but probably to visit his brother and the earl of Douglas.<sup>192</sup> Douglas been abroad since the spring of 1412 but, in keeping with his sobriquet, he had encountered some difficulties and was arrested at Sluis for bad debts.<sup>193</sup> The earl appears to have been rescued by the intervention of the duke of Burgundy, who dined with Douglas and Orkney in Paris on more than one occasion during spring 1413.<sup>194</sup> In April of the same year, Douglas and Burgundy agreed a treaty whereby Douglas, in return for a pension, promised Duke John military aid in the form of 2,000 men-at-arms with an equal number of archers.<sup>195</sup> John's side of the bargain included the provision of a three hundred-strong force, to be sent to Scotland when required by the earl of Douglas. Perhaps in his confederation with the duke of Burgundy the earl of Douglas was attempting to make a political statement in response to Henry V's treatment of King James, however, given the maverick nature of Earl Archibald, and his ignominious circumstances in Flanders at this time, the treaty was probably only a characteristically opportunistic ploy to extricate himself from an embarrassing difficulty. Whatever Earl Archibald's motivation, the treaty does not seem to have been honoured. In June 1413, Douglas was on his way home, and did not return to Flanders until the end of August, after the duke of Burgundy had been defeated at Paris by Orleans.<sup>196</sup>

In the interim, tentative discussions regarding the liberation of James had continued. Nevertheless, it is clear that Henry V was not prepared to contemplate the deliverance of King James until border hostilities had ceased and a firm truce had been established. In July 1413, the deputy wardens of the English march were commissioned to negotiate a truce with representatives of the governor Albany.<sup>197</sup> Following a General- Council sometime in late summer, the Scots responded with authorisation for a three-man commission to meet Umfraville and Ogle on the border, and an agreement was presently concluded for a truce to last from 15 August until 1 June 1414.<sup>198</sup> Before the truce was even officially proclaimed, the bishop of Brechin, the lord of Graham, and Master Robert de Lany, returned to England to discuss the possibility of King James' liberation with Henry V.<sup>199</sup> Simultaneously, a safe-conduct was granted to the earl of Buchan and John Busby to conduct negotiations for the liberation of the earl's brother, Murdach, who had recently been transferred with James from the Tower to Windsor Castle.<sup>200</sup> The next few months were witness to a flurry of diplomatic activity on behalf of the Scottish king, heightening speculation that his return was now imminent. By November 1413, Robert de Lany was back in Scotland, but soon returned south with Sir Robert Maxwell for further, but brief, discussions with Henry V regarding James.<sup>201</sup> King James, now back in the Tower with Murdach, kept in close contact with the Scottish council via Sir William Douglas of Drumlanrig and other royal servants, who were in England in December, negotiating on his behalf.<sup>202</sup>

The complexity of the subsequent negotiations is suggested by the proposed return of Maxwell and Lany in February 1414, and payments for a Scottish herald who was sent three times by the council to direct an embassy already in England.<sup>203</sup>

It was also around this time that King James, now approaching his full majority, first made an appearance on the international stage. In August 1413, presumably with the permission of the English king, James was associated with Bishop of St. Andrews in a petition to establish Scotland's first university.<sup>204</sup> Not long after the papal bull of confirmation arrived back in Scotland the university of Paris sent an embassy with instructions to arrange a meeting with King James, before going on to Scotland to meet with Albany and the 3 Estates.<sup>205</sup> The intention of the Parisian embassy and its Epistola Consolatoria was to encourage Scottish representation at Constance and evidently the university entertained high hopes for James' early release.<sup>206</sup> Similarly, Pope Benedict's grant of a portion of papal revenues to be assigned for the ransom of James and Murdach in June 1414, must be seen as evidence for growing expectations in many quarters, including at least one English chronicler, that King James would soon be free.<sup>207</sup>

However, despite widespread optimism, it is apparent that the Scottish General-Council was becoming impatient with the pace of negotiations. In May 1414, Albany and the Council instructed Maxwell and Lany to demand the release of the King of Scots, who had been seized and



arrested in puerili etate treuga tempore.<sup>208</sup> The legalistic and challenging tone of the instructions is suggestive of some form of counter-claim to recent demands made by the English representatives. Certainly it is notable that during the truce negotiations in summer 1413, the English still refused to acknowledge Albany's status as governor of the Scottish realm, thereby precluding the acceptance of Scottish sovereignty and the unconditional deliverance of King James.<sup>209</sup> It was probably for this reason that the negotiations reached an impasse by the summer of 1414. It is likely that Henry V, with the refusal of the Scots to accept any form of settlement that would compromise their sovereignty, lost interest in the protracted discussions once a truce had been established.<sup>210</sup> Moreover, the English king was plainly impatient to initiate a vigorous reversal of his father's policy in France.

For almost the first two years of King Henry's reign, English diplomacy appears to have been concentrated almost exclusively on English interests in France. The expulsion of John the Fearless from Paris in the summer of 1413 shattered the earlier reconciliation with the duke of Orleans, and gave the English king the ideal opportunity to capitalise upon French disunity.<sup>211</sup> This was the beginning of Henry V's disingenuous policy of negotiating with both sides of the French divide to obtain the best possible settlement for the English crown. Early in 1414, agreement was reached between Charles VI and King Henry for a one-year truce, and tentative discussions were initiated for the marriage of

Henry to Katherine, the French king's daughter.<sup>212</sup> At the same time, King Henry received representatives from Burgundy to discuss the marriage with the duke's daughter and English rights in Aquitaine, and an agreement was eventually reached for a mutual alliance.<sup>213</sup> By August 1414, however, the duplicitous tactics of Henry V were rendered void by the arrangement - possibly Scottish sponsored - between Charles VI and the duke of Burgundy at Arras.<sup>214</sup> This reconciliation marked the beginning of Henry's intention to enforce the Treaty of Bretigny and regain sovereignty over English possessions in France by military means.

The show of unity by her ally may have been good news for the Scots, but Henry V's determination to enforce his rights in France relegated Anglo-Scottish diplomacy, including the plight of James, to secondary importance. Shortly after the expiry of the truce in June 1414, Maxwell and Lany once again travelled to England to discuss the deliverance of James.<sup>215</sup> By this time, however, Henry V had little interest in James, and the Scottish envoys were back in Scotland by September, with no progress to report.<sup>216</sup> The response of the Scots to Henry V's indifference was to renew the policy of raids and attacks in the north of England.<sup>217</sup> Initially, this tactic excited very little response from the English. At the end of the year, the duke of York - recently appointed as warden of the East March - was authorised to treat with the Scots for a truce by land for no longer than three months.<sup>218</sup> At this early stage in his preparations for a campaign in France, King Henry did not wish to be burdened by lengthy negotiations with the

Scots for a longer truce or peace. However, by the turn of the year, the northern counties in the path of the Scottish onslaught were voicing increasingly persistent complaints.

In February 1415, negotiations were begun to facilitate the exchange of Henry Percy for the governor's son, Murdach, and three months later safe-conducts were issued for a Scottish embassy to finalise the details of the swap.<sup>219</sup> Also in May, Sir Robert Umfraville and James Harrington, the duke of York's deputy, were authorised to conclude either a new truce by land and sea, or an extension to the previous arrangement, for as long as they saw fit.<sup>220</sup> Nonetheless, these concessions did not signify any amelioration in Henry V's attitude towards the Scots. The English king was primarily motivated by his belated wish to secure the northern border by the return of its traditional guardian before his voyage to France. The exchange was to take place at Calfhill, near Berwick and, on 4 May, Murdach was committed to the care of the king's esquires, Hull and Chancellor, for the journey north.<sup>221</sup> However, Henry V's plan for the return of Northumberland was to be thwarted by the abduction of Murdach by English Lollards while on his way to Berwick.<sup>222</sup> Although he was swiftly recaptured and transferred to the custody of the earl of Westmorland, Murdach's abduction and the subsequent delay in his release, threatened the discussions for a new Anglo-Scottish truce which had been in progress since the beginning of May.<sup>223</sup> Moreover, although it was proposed that Scotland be included in the Anglo-French truce agreed in June 1415, English fears of a Scottish



invasion were soon realised when the earl of Douglas put the Cumberland town of Penrith to the torch.<sup>224</sup> The burning of Dumfries and a battle reputed to have taken place at Yeavinger, was yet another element in the deterioration of cross-border relations which may have been encouraged by the French in the hope that Henry's timetable for invasion of France would be delayed.<sup>225</sup> This premise provides the basis for Shakespeare's account of the English council's pre-Agincourt debate, but has been dismissed by historians as fictional.<sup>226</sup> However, although war was eventually declared on 6 July 1415, the English king did suspend his plans to invade until over one month later, and the aggression of the Scots must have been a factor in his decision.<sup>227</sup> Henry's belated concern that the Scots would jeopardise his French campaign is evidenced by his correspondence with the Scottish governor and his subsequent appointment of an embassy to treat for a truce on 5 August, one week before he left for France.<sup>228</sup>

After the fall of Harfleur in September, King Henry and his army marched northwards through Normandy and annihilated the French army at Agincourt on St. Crispin's Day in the same year.<sup>229</sup> For Henry, Agincourt proved that God and justice were on his side and on his return to London in November he celebrated the legitimacy of his actions in a spectacularly ostentatious victory pageant.<sup>230</sup> Scotland's dismay at the fate of her ally was mitigated to some extent by the resumption of plans to effect the return of Murdach soon after the English celebrations had subsided, with the appointment of Sir Ralph Eure and Master Richard Holme

to supervise the arrangements.<sup>231</sup> During Henry V's absence in France, the Border had not remained quiet and, as the English king fully intended to return and capitalise on his recent success, the return of Percy to his family's traditional role as guardian of the East march was viewed as a necessary prerequisite to a second French campaign.<sup>232</sup> Thus, in February 1416 the negotiations for Murdach's ransom were finalised, and his exchange for Percy was effected at Berwick towards the end of the month.<sup>233</sup>

In the interim, tentative discussions had been initiated with regard to the liberation of the Scottish king who, though now deprived of the company of his cousin, had recently been joined in the Tower by seventeen French knights captured during the siege of Harfleur.<sup>234</sup> Eager to secure his release, James had dispatched John Lyon, in January 1416 to ensure his involvement in any proposed negotiations.<sup>235</sup> These preliminary discussions with the Scottish council were eventually followed by the appointment of a three-man embassy to treat for the liberation of King James and discuss other matters of state.<sup>236</sup> The inclusion of the abbot of Balmerino, conservator of Pope Benedict's grant for the ransom of James and Murdach, and Sir John Forrester of Corstorphine, deputy chamberlain, is testimony to the intention of the Scottish council to enter into serious discussions to secure the return of their king. Though the Scots may have been willing to accept the burden of a ransom for James, they were not so eager for his return that they were prepared to accept the imposition of objectionable preconditions. It was probably during

the winter negotiations for Murdach's release that the question of English sovereignty was again broached.<sup>237</sup> The reaction of the Scottish council was swift and uncompromising. At a General-Council held at Perth in March 1416, the full text of Edward III's formal renunciation of suzerainty over the Scottish kingdom was transcribed.<sup>238</sup> The official reason given in the parliamentary records for this transumpt was that it was needed should the original be lost, and this proof would be required to assist the cause of truth and justice.

Little attention has been paid by Scottish historians to these claims and, likewise, English historians either ignore the sovereignty issue or represent it as a diplomatic ploy to make later negotiations more 'attractive'.<sup>239</sup> However, this was not the view taken by contemporaries. Both Elmham and the author of the Gesta clearly state that Henry V demanded the 'submission, homage and other rights' due to the English crown, as per lawful documents listed in codice recordorum.<sup>240</sup> It is also apparent that the Scots did not regard the English claims lightly. The transumpt itself was witnessed by all the senior Scottish prelates, and given further puissance by the endorsement of three notaries, including the canon of Glasgow, Patrick Houston, who later became closely involved in negotiations.<sup>241</sup> The exemplification was also recorded in the Glasgow Registrum, an indication of the particular interest taken by the bishop of Glasgow in the constitutional ramifications arising from the captivity of the Scottish king.<sup>242</sup> Bower goes into some detail regarding Henry V's claim to sovereignty and the unacceptable conditions



attached to King James' deliverance.<sup>243</sup> The reliability of Bower's contemporary testimony is somewhat diminished by the fact that he ascribes the letter written by Henry IV in August 1400, claiming sovereignty over Robert III and his subjects, to Henry V. However, the abbot of Inchcolm was quite adamant that this claim was made during the captivity of James, and this contextual confusion may merely reflect the fact that Henry V reiterated his father's claims while making use of the codice recordorum, assembled by Henry IV prior to his invasion of Scotland in 1400.<sup>244</sup>

English claims of suzerainty were touted elsewhere at this time. The Council of Constance, inaugurated in November 1414 to mediate an end to the Schism, was used by Henry V as a forum to deny Scotland its status as an independent kingdom. Finlay of Albany's report from the council in 1417, refers to an English doctor who spoke in glowing terms of James, 'and always he called him King of Scotland'.<sup>245</sup> Though the English claims were vigorously rebutted by the French, the English clearly intended to persist in their refusal to acknowledge Scottish independence while they had King James in their possession. Nonetheless, contact between the two countries continued throughout the summer, probably with a degree of personal involvement by Henry V himself, and some improvement in relations is evidenced by the relative calm of the Anglo-Scottish border and Scotland's inclusion in the Anglo-French truce agreed in October 1416.<sup>246</sup> Furthermore, by the following December, Henry V now appeared to be ready to countenance the return of the young Scottish king and, accordingly,

Scottish commissioners and hostages were named to cross the border in order to finalise the arrangements.<sup>247</sup>

It is worthwhile questioning at this point why Henry V now felt able to allow King James to return to Scotland. The English king had not been idle since his return from France in November 1415. Throughout the first half of the following year, Henry V negotiated with Sigismund, king of the Romans, on the basis of gaining support for his ambitions in France, and this relationship was formalised by the Treaty of Canterbury on 15 August 1416.<sup>248</sup> Even before this confederation was signed, steps were being taken to include the duke of Burgundy in a triple alliance that envisaged the overthrow of the Valois dynasty and a division of the spoils, leaving Henry V as king of France.<sup>249</sup> In addition, by pursuing a multitude of alliances and concords with the Iberian states and the German princes Henry V effectively isolated Scotland by diplomatic means.<sup>250</sup>

It is probable that the parole envisaged for James was to be dependent upon his agreement to certain preconditions, as contained in the indenture he is known to have made with Henry.<sup>251</sup> Although Bower was quite emphatic that King James refused to 'subject his kingdom of Scotland to servitude', this statement requires some qualification.<sup>252</sup> James was now fully of age and playing a prominent role in the negotiations for his own release. Evidence for the itinerary of the Scottish king's servants during late 1416 and early 1417, most probably relates to James' efforts to influence the Scottish Council during negotiations for his deliverance, and is

reminiscent of the diplomatic endeavours of David II and his retainers in the late 1340's and early 1350's.<sup>253</sup> Certainly, the hostages cited in December 1416, were granted their safe-conducts 'at the frequent instances' of the Scottish king himself.<sup>254</sup> Furthermore, a letter sent by James to the burgh of Perth was probably written about this time and, by his rather intimidating demand for finances to pay his debts and smooth his passage home, the tone is commensurate with the king's full involvement in the current discussions and his own expectation that they would succeed.<sup>255</sup>

Yet, just as the Scots were likely to refuse any settlement that infringed upon the status of Scotland as an independent realm, it is probable that they also refuted the presumption of King James to direct negotiations for his own release while compromised by his captivity in England.<sup>256</sup> This may be the rationale behind the fleeting reference to James as 'calling himself King of Scotland' in December 1416.<sup>257</sup> David II, paroled towards the end of 1351 to garner support for Edward III's plan for his deliverance, was faced with the same problem when the Scottish Council rejected the Newcastle agreement the following year, leaving the Scottish king to endure another term of confinement in the Tower.<sup>258</sup> Even if King Henry's claim of suzerainty was then suspended, it was patently not a big enough concession to satisfy the Scottish Council which does not appear to have sent the hostages either in December 1416 or in March the following year, when the safe-conducts were repeated, despite the fact that James had been given permission to travel to Raby in order to



expedite their arrival.<sup>259</sup> A measure of diplomatic contact may well have been maintained while the bishop of Durham remained in the north until spring 1417, with Henry V being present at least once after the New Year.<sup>260</sup> It is not unreasonable to speculate that negotiations then continued on the basis of an English offer to temporarily waive the sovereignty claim in return for Scottish neutrality during Henry V's campaign in France, a line that was pursued by the English during negotiations for the release of David II.<sup>261</sup> As France's traditional ally, Scotland was viewed as a potential recruiting ground, particularly after the decimation amongst the ranks of the French nobility at Agincourt.<sup>262</sup> Moreover, with the capture of the dukes of Orleans and Bourbon, Henry V had attempted to secure their complicity in his claims to the French throne. It is notable that both Henry V and the captive duke of Orleans were at Pontefract during the discussions for James' parole, suggesting the possibility that the English king attempted to secure the acquiescence of both French and Scottish captives in his ambitious plans for France.<sup>263</sup>

However, with the return of the bishop of Durham to London in March 1417, the negotiations for James' release were finally abandoned and contemporaries in Scotland were left to contemplate the possibility that their king 'might never be freed to return to his own country'.<sup>264</sup> The non-appearance of the Scottish embassy at Raby probably lay in their refusal to distance themselves from their French ally, and this premise is strengthened by the presence of French ambassadors at a

General-Council held in June 1417.<sup>265</sup> Henry V, about to embark on the second leg of his French campaign, was now faced with the prospect of a Scottish invasion of England, possibly with French collusion, during his absence. In an attempt to offset such an undesirable complication, the English March wardens were commissioned in June to conclude a general truce, for as long as they saw fit.<sup>266</sup> The reluctance of the Scots to agree a truce is evidenced by the protracted negotiations and intelligence reports received by the earl of Northumberland in July, intimating that Albany and the Council intended to besiege Berwick by land and sea.<sup>267</sup> It was not until two months after Henry V landed in Normandy that Albany and Douglas, with French encouragement and support, initiated their audacious plan to assail the castles of both Berwick and Roxburgh. Unfortunately, the 'Foul Raid' was pre-empted by the early mobilisation of English troops, who had been at Leicester since at least August, in the expectation that the Scots would harry the English as soon as Henry V set foot on French soil.<sup>268</sup>

Though the stance of the Scottish council towards the return of their king remained immutable, James was heartened by the interest shown in his cause by Oddo Colonna, recently elected as Pope Martin V in November 1417. One month after his election, the new pope formally notified the Scottish king of his appointment and of his wish to procure James' influence to secure the obedience of his subjects.<sup>269</sup> James did not officially offer his obedience to the new pope until July 1418, but he had already begun bombarding the new

papal court with supplications for his servants and, more significantly, for recognition of his status as rightful king of Scotland.<sup>270</sup> Probably in an effort to re-open negotiations for his release, but also to comply with Martin's request to secure the obedience of Scotland to the edicts of Constance, King James employed the services of his three chaplains, sending Drummond and Lyons to Scotland and Morow to the papal curia.<sup>271</sup> The impact in Scotland of Martin's election will be discussed in another chapter, but it is clear that Henry V both sanctioned and encouraged James in his contact with the new papal administration, as diligent records of the correspondence between the Scottish king and Martin V were kept by King Henry's clerks at his French headquarters in Caen.<sup>272</sup> However, if Henry hoped to use Scotland's isolation as a political tool in his relations with his northern neighbour and France, he was soon disappointed. Martin V not only consistently refused to recognise King Henry's claim to the French crown, but initiated a concerted diplomatic effort to mediate an end to the Anglo-French war soon after his election.<sup>273</sup> However, Scotland's eventual compliance with the Council of Constance in October 1418, did not precipitate any visible amelioration in Anglo-Scottish relations, nor did it further the likelihood of James' deliverance. Throughout 1418, cross-border diplomacy comprised a series of meaningless truces punctuated by repeated threats of Scottish invasions.<sup>274</sup> There is no evidence that the Scots penetrated northern England in any great numbers, but some degree of intimidation is manifest by the reinforcement of the English garrisons at Berwick and Roxburgh, the English council's dispatch



of a fleet of six ships to attack and harry Scottish shipping, and by an array of the Durham clergy in August.<sup>275</sup>

Of even greater concern to Henry V and his council, must have been the contact between the duke of Burgundy and the Scottish council during the same year, in violation of the spirit of his tripartite alliance with Henry V and Sigismund.<sup>276</sup> In November 1417, Duke John had allied with the exiled French queen and established an administration at Troyes in defiance of the government in Paris.<sup>277</sup> By May the following year Burgundy and his troops were in Paris, gaining control of the government and forcing the Dauphin Charles to flee south to Poitiers.<sup>278</sup> From their new headquarters, Queen Isabel and Burgundy opened diplomatic channels to the Scottish council with a view to military aid against the English, and, according to Beaucourt, an agreement to this effect was reached by September 1418.<sup>279</sup> However, there is evidence for the Scots offering similar support to the Dauphin's cause in Touraine and elsewhere.<sup>280</sup> In this respect, it is unlikely that the Scottish council deviated from their ultimate goal of reconciling the two French factions, and it was probably the efforts of the bishop of Ross, Lethe and Legat, that secured the meeting between the Dauphin and Burgundy in September 1418.<sup>281</sup>

The last four years of Henry V's reign saw an escalation in the Anglo-French war, concomitant with a renewed determination on the part of the English king to exploit his influence over the captive James to the advantage of

English diplomacy. Henry V had begun his second campaign in France with the intention of effecting the 'systematic conquest of Normandy'.<sup>282</sup> Since landing near Harfleur in August 1417, the English king and his forces had procured the surrender of innumerable French garrisons, before concentrating on the ultimate prize presented by the Norman capital of Rouen in August 1418.

Despite this impressive display of military ascendancy, the coincidence of declining popularity for the French war at home, and Burgundy's secession from both the Calais understanding and the truce lately agreed in July 1418, had the effect of blunting Henry's considerable achievement.<sup>283</sup> To this end, King Henry opened negotiations with the Dauphin at Alencon in November the same year.<sup>284</sup> However, the need to secure the Dauphin's aid against the Burgundians was to be sidelined by the fall of Rouen in January 1419, and the establishment of English control over almost the entire Norman duchy by the following spring. In April 1419, Henry V was prepared to re-examine the prospects arising from a confederation with Queen Isabel and the duke of Burgundy, including marriage with Katherine, and arrangements were initiated for a meeting between the two parties at Meulan.<sup>285</sup> Although the ensuing negotiations advanced to the brink of agreement, English plans were checked by the reconciliation between Burgundy and the Dauphin at Pouilly on 11 July 1419.<sup>286</sup> The main thrust of this agreement was an alliance against their 'common enemy' and the expulsion of English forces from French soil. The two French factions were probably goaded into action by the fall of Rouen,

but the treaty itself acknowledged the role played by Pope Martin's legate, the bishop of Leon, as mediator, while the Scots also had a hand in this all too brief show of French unity.<sup>287</sup>

Closer to home, the Scots continued with their policy of maintaining persistent pressure on the English garrisons on both sides of the Border. In April 1419, the earl of Northumberland was instructed to array towns in the north of England to resist the incoming Scots.<sup>288</sup> The main target of the Scots was probably Roxburgh, which required both repairs and reinforcements during the summer of the same year, but forces also ventured further south briefly taking the castle of Wark in the heart of Percy country around the same time.<sup>289</sup> In addition, contemporary incursions along the west March are indicated by the earl of Westmorland's capture of Sir William Douglas of Nithsdale in July.<sup>290</sup> The Scots were also intent on providing military support in France. According to Bower, the formal decision to send troops to France was taken at a General-Council held some time in the summer of 1419, when arrangements were underway to provide passage for the Scots to the continent.<sup>291</sup> However, the Scottish vision of a cohesive alliance against Henry V was to be shattered by the murder of the duke of Burgundy by dauphinists at Montereau on 9 September 1419. The death of John the Fearless once again plunged France into the uncertainty of civil war and swept the new duke of Burgundy almost unthinkingly into the arms of Henry V. King Henry's military ascendancy was now paralleled by his political position, and it is no coincidence that the English king



made his first real bid for the French crown at this time.<sup>292</sup> The rather complex negotiations were finalised by Christmas 1419 and were so strikingly similar to the later agreement at Troyes, that the prior of Charterhouse was moved to remark that the English entered France 'through the hole in the duke of Burgundy's head'.<sup>293</sup>

Undaunted by the realignment of her erstwhile ally, Scotland continued to bolster the forces of the Dauphin Charles, who was in the ascendant in many areas in the south of the river Loire. The earl of Buchan and Douglas' son, the earl of Wigtown, managed to see off attempts by the English fleet to intercept their passage, landing at La Rochelle with a reputed 6,000 men in late October.<sup>294</sup> Despite this threat, Henry V pressed on with his negotiations with the duke of Burgundy and Queen Isabel, which culminated in the Treaty of Troyes in May 1420.<sup>295</sup> Troyes may have proclaimed Henry's right to ascend the French throne on the death of Charles VI, but, including as it did a commitment to continue the war against the Dauphin, it cannot be regarded as a genuine treaty of peace. Moreover, Henry's triumph was somewhat blighted by the refusal of Brittany and Foix to sign up to what was effectively an agreement with Burgundy, while Pope Martin was joined in his blunt rebuttal of Henry's status as heir to the French throne by the Iberian states and, of course, by Scotland.<sup>296</sup>

As a counter to these political difficulties, King Henry now sought to entice the young Scottish king into his diplomatic snare. Following the failure of the 1417

negotiations for his parole, James had reverted to his usual title as King of Scots often with the additional encomium 'our dearest kinsman'.<sup>297</sup> James had also enjoyed some respite from the dismal familiarity of the Tower with a visit to the recently-refurbished castle at Kenilworth.<sup>298</sup> The rationale behind Henry's new-found affection for James is to be found in an order of April 1419, whereby the Scottish king was expected 'to attend us in our Duchy of Normandy'.<sup>299</sup> Apparently Henry was now seeking to confront the Scottish forces in France with the person of their king, in the hope that the Scots would be moved to desert en masse from their French allies. There is evidence to suggest, however, that the efforts of King Henry to secure James' service in his French wars did not meet with the Scottish king's immediate and wholehearted compliance. In the first instance, it is perhaps significant that two references to James as 'calling himself King of Scots' immediately post-date Henry's order, and may reflect his initial refusal to be manipulated in this way.<sup>300</sup> Secondly, it was around this time that James was plied with the largesse arising from the forfeited dower of Henry IV's disgraced queen, Joan of Navarre.<sup>301</sup> However, the fact that James eventually gave his reluctant assent to serve Henry in France is witnessed by a letter written by Humphrey of Gloucester to his brother the king in May 1420 -previously misdated to 1412 - intimating that the Scottish king was now prepared to 'shewe be experience the entente of his good will the suffrance [sovereignty] of your lordship'.<sup>302</sup> Indeed, implicit within James' agreement to serve in Henry's war was an acknowledgement of the latter's sovereignty. Within the feudal context

military service had always been equated with the recognition of superiority, as evidenced by previous demands made by English kings of their Scottish counterparts in 1159, 1294, and in the 1350's during the negotiations for David II's release.<sup>303</sup> Of course James was not the only prisoner to be press-ganged into military service, but accounts dealing with the preparations for James' voyage to France detail the extent to which the English intended to exploit his status and portray him in his full and splendid majesty as the rightful Scottish king.<sup>304</sup>

Some time during May James landed in France, reaching Troyes in time to take his place as a guest at the wedding of Henry V to Katherine, the daughter of Charles VI of France, as arranged by the Treaty of Troyes. Immediately after the festivities were concluded, both the English and Scottish kings set off to embark upon the siege of Sens, south-west of Paris. Sens was quickly dispatched and was followed soon after by the fall of Montereau.<sup>305</sup> The two kings then moved on to begin the four month-long siege of Melun, which was defended by Scottish troops under the command of the earl of Buchan. According to the Pluscarden chronicler, King James, resplendent in the Scottish royal coat of arms, repeatedly commanded Buchan to come over to him, on pain of treason and rebellion, but this Buchan 'would by no means do while he [King James] was a prisoner'.<sup>306</sup> When Melun finally succumbed in November 1420, the Scots were excluded from the terms of surrender and twenty were executed as traitors to their sovereign lord.<sup>307</sup> In fact, the presence of their king on a foreign battlefield



under the command of an enemy king, seems to have done little to undermine the determination of the Scottish council to stand by their French ally. As noted earlier, recruitment in Scotland to augment the dauphin's forces had continued beyond the initial mobilisation in winter 1419, and, though the exact numbers are uncertain, a further contingent of Scots made their way to France just over a year later.<sup>308</sup> Aside from the defence of Melun, Scottish combatants had been in action at Fresnay, where the earl of Salisbury forced the retreat of Sir William Douglas of Drumlanrig and others in March 1420.<sup>309</sup>

Relations between England and Scotland along their own border must have done little to inspire the English king in his scheme to manipulate King James. Shortly after James left for France, the English warden of the West March was authorised to negotiate a truce with the Scots for the rather inauspicious duration of two months.<sup>310</sup> Moreover, if Bower's chronology is reliable, any truce agreed was soon compromised by the actions of the earl of Douglas who crossed the border some time during the same year and burned the town of Alnwick.<sup>311</sup> The fact that little else occurred to exacerbate the fragility of cross-border relations was probably due to the pestilence that swept southern Scotland sometime during the same year, dispatching many of those involved in the security of the frontier.<sup>312</sup>

Of even greater significance to Scotland's struggle to maintain her independence, was the death of the governor at Stirling in September 1420.<sup>313</sup> Although

credit for the unity and cohesion exhibited by the Scots during the difficult years since the death of Robert III must be attributed to the political community as a whole, the experience of Duke Robert and the respect he enjoyed as an elder statesman must have played some part. The fulsome eulogies afforded the first governor are in marked contrast to the criticisms heaped upon his unfortunate son and, plainly, Murdach was not held in the same regard.<sup>314</sup> Since Murdach's return from captivity he had become closely involved with his father and the workings of government, being accorded the title 'lieutenant' from March 1416.<sup>315</sup> Aside from the fact that Murdach had been groomed to succeed his father, he was now heir-presumptive and had a legitimate claim to succeed as governor. It is unlikely that the political machinations and foreign adventures of the earl of Douglas inspired the Scottish community to the same extent as it has modern historians and, in any case, it is difficult to envisage any other candidate who would not have precipitated an uncontrolled descent into civil disunion. In this respect, there was probably some expectation by the General-Council that, by entrusting Murdach with the governorship soon after his father's death, they were ensuring a measure of continuity with his predecessor.<sup>316</sup>

Just as the passing of their long-serving governor may have provoked unease amongst the Scottish polity, Henry V and his protege were likely to have been agreeably heartened by the removal of Duke Robert from the diplomatic forum of Anglo-Scottish relations. No doubt seduced by English propaganda, King James had already

demonstrated his willingness to overstep the constitutional boundaries limiting his prerogatives by concluding an agreement with Philip of Burgundy for a portion of customs on Scottish goods marketed in Flanders.<sup>317</sup> James' servants were also actively engaged on diplomatic business during the autumn of 1420. The king's chaplain, Dougall Drummond, was sent by the Scottish council in October to the presence of the English guardian, presumably in an attempt to ascertain the extent of King James' complicity in the current strategy of the English government.<sup>318</sup> Thomas Morow was similarly employed during the same period, but probably was more concerned with maintaining diplomatic pressure to facilitate his sovereign's early release.<sup>319</sup>

After the fall of Melun, and having celebrated the festive season at Rouen, Henry V and King James returned to England early in 1421. It was here that the policy of according James all honours due to a crowned king was to be given further reign by his inclusion as guest of honour at the coronation banquet for Queen Catherine in February, and his admission to the Order of the Garter at Windsor two months later.<sup>320</sup> In addition to the psychological pressure brought to bear upon the Scottish council, Henry V sought to exercise diplomatic means to weaken the Scots' adherence to the Dauphin's cause. King James' support for Henry's plan is evidenced by the inclusion of his 'familiar', John of Aulway, in the entourage of the Lord of Camocy, a councillor of the King of France who was sent to Scotland in March 1421 in order to try and persuade the Scots to sign up to Troyes.<sup>321</sup> However, the subsequent discussions were



pointedly interrupted by the success of the Franco-Scottish forces under the command of the earl of Buchan at Bauge in Maine later that same month.<sup>322</sup>

In light of this victory, King Henry sought to pursue a new diplomatic tack and met with the bishop of Durham and Scottish representatives at Howden to discuss the liberation of King James.<sup>323</sup> Those present may have included the earl of Douglas, who received permission to travel to England in April 1421.<sup>324</sup> Indeed, John Sinclair and Robert Danielston had recently been in England, probably to outline any role that Earl Archibald might play if the King of Scots were to be allowed home.<sup>325</sup> In entertaining this latest scheme for James' release Henry V was probably influenced as much by his exasperation with Scottish foreign policy as he was by the opportunity offered by a more malleable Scottish council, perhaps wearied by the ineptitude of their governor and the diplomatic attrition occasioned by the English king's repeated claims of suzerainty. On the penultimate day of May 1421, the earl of Douglas made an indenture with King Henry which obliged him to serve in Henry's French wars from next Easter with 200 knights and 200 archers.<sup>326</sup> That the temporary liberation of King James was to be inextricably linked with Douglas' military service is evidenced by the indenture itself, which cites the approval of the Scottish king and refers to the conditional return of James ad ipsius Domini Comitatus instantias et intercessus. King James' parole was intended to take place within three month's of his return from his next trip to Aquitaine and, on the same

day as the Douglas indenture, hostages were named as part of the agreement.<sup>327</sup>

The chronology of these agreements and the references to the role of Douglas in both of them, seem to offer the undeniable conclusion that the Scottish council was now prepared to accept the conditional return of their king. However, details of the subsequent negotiations preceding James' eventual return three years later, suggests that if indeed the council did sanction Douglas' plan, they were either not privy to the full scale of its implications or they were momentarily overwhelmed by the impetus provided by the maverick earl.<sup>328</sup> It is certainly notable that cross-border friction did not abate during the discussions for Douglas' scheme. On the same day that Earl Archibald made his indenture with Henry V, a new batch of Scottish prisoners were being welcomed within the confines of the Tower of London, indicating that the Dunbar family, at least, were not impressed by their rival's most recent intercession.<sup>329</sup> There is, however, one single reference that may indicate that the Scottish council did not dismiss the Douglas initiative immediately it was conceived. The earl of Crawford, one of the hostages nominated to guarantee James' parole in May 1421, took steps to safeguard his titles and landed possessions in December the same year, possibly in expectation of an enforced sojourn in England some time later.<sup>330</sup>

It is difficult not to be cynical with regard to the motivation of the earl of Douglas himself. His financial difficulties in 1413 have already been

mentioned, and his persistent pilfering of the royal customs throughout the governorship would suggest that the earl was finding his burden as 'Great Guardian of the Marches' unduly onerous. It may well be that this pecuniary embarrassment impinged upon his power of patronage and, subsequently, his ability to control his men, as manifested by the circumstances of the Foul Raid and the friction between his adherents at Yester in 1421.<sup>331</sup> Thus the annual pension of £200 plus expenses offered to Douglas by Henry V by the terms of the indenture, may well have been an opportunity that the earl could not afford to refuse. However, as James' most recent biographer has pointed out, this agreement was made at the same time that Douglas' son and other members of his family were already firmly entrenched in the Dauphinist camp.<sup>332</sup> Thus, either the earl was not sincere in his intention to serve Henry, or he entertained a more grandiose hope that the Scottish polity would endorse his radical agenda. In this respect, the payment just after Xmas 1421 of the not inconsiderable sum of £100 to Douglas for 'certain necessities and matters which King Henry required done in Scotland', suggests that the Douglas plan was still not entirely palatable to the Scots at this time.<sup>333</sup>

During the summer months of 1421, King Henry and King James left for France, landing at Calais with a fresh batch of troops for another campaign.<sup>334</sup> It was during James' second French expedition that the English king was to make the most explicit assertion of his sovereignty over the Scots king and his subjects. Henry's aim was to advance to the area around Chartres



and Mantes and confront the Scottish forces with the person of their king. However, Buchan wisely retreated, leaving the two kings to the consolation presented by the Dauphinist garrison at Dreux.<sup>335</sup> Alongside Humphrey of Gloucester, King Henry's brother, James was to share the command of the military operations at Dreux for the next six weeks. Whether James' command was to be real or nominal is unknown, but it is interesting to note that Henry V had taken some pains to ensure the safety of the young Scottish king, assigning James a personal bodyguard under the direction of Sir William Meryng who was to 'continually attend the King of Scots for his safe custody'.<sup>336</sup> When Dreux finally fell six weeks later, it was formally delivered to King James at the command of Henry V, 'his sovereign lord'.<sup>337</sup> Upon leaving Dreux, James ventured back north to meet Henry at Rouen, where the English king was making plans to assail the important Dauphinist garrison at Meaux.<sup>338</sup> James' intermittent presence at Meaux was plainly intended to induce the Scottish defence to surrender to their king, however, the Scots were not to be moved and held on for a further seven months before finally succumbing in May 1422.<sup>339</sup> Under the terms agreed for Meaux's eventual surrender, some 800 prisoners were to be admitted to King Henry's grace, with the notable exception of the Scots, Irish, 'false' English, and alios sibi antea juratos, who were to be delivered to the two kings before being dispatched by the executioner.<sup>340</sup>

Since James' arrival in France the previous summer he had been inundated with visits from his countrymen, including the lords of Gordon and Forbes, Sir John

Sinclair, and members of the Kennedy family.<sup>341</sup> According to Brown, these meetings represented an attempt by King James to enlist his subjects in King Henry's war.<sup>342</sup> However, despite the possibility that there may have been a measure of disenchantment with the direction of the new governorship, it is unlikely that these men ever heeded James' exhortation to change sides. Sir Alexander Seton, lord of Gordon, is known to have been abroad for only two months, and there is no evidence to suggest that he, or the others who received safe-conducts, ever took the field against their fellow Scots.<sup>343</sup> Both Seton and the lord of Forbes had been with the earl of Mar in January 1420, the latter having recently indicated that he might serve the dauphin's cause.<sup>344</sup> Moreover, Alexander Forbes is said to have been a close friend of the earl of Buchan, and it is unlikely that he would have so distanced himself from the commander of the Scottish contingent in France at this time.<sup>345</sup> Indeed, the majority of the Scottish council seem to have been singularly unmoved by the surrender of their king to the overlordship of Henry V. Aside from James' own servants, much of the contact between the English and Scottish governments was sustained by the earl of Douglas through the offices of his secretary, Master William Foulis.<sup>346</sup> Patently, the remit of Foulis was to preserve the momentum for Earl Archibald's scheme to liberate James, and it may well be that the 'arduous and difficult negotiations' which occupied the bishop of Durham in January 1422, were relevant to the efforts of Douglas' secretary.<sup>347</sup> In fact, there is no evidence to suggest that any Scottish envoys, other than those associated with either James himself or the earl of

Douglas, entered into meaningful discussions in pursuit of the king's timely deliverance.

Any confusion or division within the Scottish political community, occasioned by the initiative of Douglas, was soon to be superseded by the deterioration in Henry V's health in May 1422, and his eventual demise three months later. According to the English chroniclers, 'James exhibited genuine sorrow at the death of the English king and 'to Westminster the Kinge of Scotts accompanied the dead body, nor he never departed from the Queene untill the buryinge of the Kinge'.<sup>348</sup> The immediate response of the Scottish polity, aside from a sigh of relief, is difficult to determine. Certainly, Master William Foulis continued with his diplomatic endeavours, securing a safe-conduct to visit England in November, the same month as King Henry's funeral, but any effort that Foulis might have made to ascertain the new government's attitude towards King James, was not pursued by any official representation from the Scottish council.<sup>349</sup> Indeed, no other contact between the two countries appears to have been forthcoming until the middle of December, when the English warden of the West March was authorised to make truces for two months.<sup>350</sup>

It is probable that the Scots decided to await the outcome of the political infighting that had prevailed in England since the accession of the infant Henry VI. The constitutional upheaval occasioned by the legal wrangling between the English council and Humphrey of Gloucester over the latter's title and authority, was ostensibly settled in December 1422 when he was accorded



the title 'Protector of the Realm'. However, Humphrey's dissatisfaction with his strictly limited commission and his persistent political spats with the bishop of Winchester, did little to steady the nerves of the English polity. The duke of Bedford, who was then in France, did not accept his brother's appointment without demur but, as the commander of the English forces on the continent, he had to be content with his remit as Regent of France.<sup>351</sup> The almost unworkable settlement for Henry VI's minority was, of course, not aided by the English crown's commitment to continue the war in France, as obliged by the Treaty of Troyes. In addition, the Dauphin, now Charles VII after the death of his father in October 1422, had recently sent an embassy to Scotland for recruits, quashing any prospect of an end to this costly war.<sup>352</sup> Even before the death of Henry V, enthusiasm for Troyes, and all its ramifications, had become decidedly muted.<sup>353</sup> The only consolation available to a beleaguered government facing a long and difficult minority was to revive the device for King James' freedom on the condition of Scottish neutrality.

In this endeavour, King James himself played a prominent role and he clearly intended to travel north to Pontefract from Westminster to await the arrival of the Scottish representatives, who had been granted safe-conducts at his 'frequent instance' in February 1423.<sup>354</sup> The Scottish king had also taken the additional precaution of commissioning his chaplains, Mirton and Drummond, to act as his intermediaries between the two governments, and in the same month, permission was granted to Sir John Forrester, Seton of Gordon, Master

William Foulis, John Leth, and others, to come before the English council.<sup>355</sup> The efforts of James' chaplains must have had some impact back in Scotland as another two sets of safe-conducts were issued in May 1423, authorising senior Scottish envoys, led by the bishop of Glasgow, to come to Pontefract.<sup>356</sup> However, the non-appearance of the Scottish commission at Pontefract, would seem to suggest that the proposed return of James was not pursued by the Scots with the same urgency as the English council.

The author of the most recent biographical study of James I cites the ambitious new governor as the principal architect of the ambivalence and reticence displayed by the Scots at this time.<sup>357</sup> Doubtless Murdach harboured some desire to deny his cousin's freedom for as long as possible, but for a man who even contemporaries regarded as incapable of controlling his own sons, obstructing the will of the entire political community seems an unlikely diplomatic feat.<sup>358</sup> As for Douglas, though his secretary continued to play a pivotal role in the diplomatic discussions throughout 1423, the earl himself was a surprising absentee from the list of those requested by James to cross the border in the spring. It is conceivable that Earl Archibald received an early intimation of King James' intention to dilute his role as Guardian of the Marches, and decided to explore the more favourable opportunities offered by service in France.<sup>359</sup> It was probably around this time, soon after Henry V's death, that the Scottish nobility arrived at the conclusion that the return of James was no longer a question of if, but when, and under what



conditions. This realisation provoked a flurry of political powerplay that has been meticulously detailed by Brown, but cannot in itself fully account for the tergiversations of the Scottish council.<sup>360</sup> According to at least one source, the General-Council held in August 1423 was witness to lengthy and protracted discussions, suggesting that the Scots were extremely cautious, and certainly not unduly enthusiastic, regarding the return of their king.<sup>361</sup> In all probability, this council had been sitting throughout the summer months in an attempt to secure some measure of unanimity for an appropriate response to the English commission instructed to treat for James' liberation and a final peace in June.<sup>362</sup>

The commission eventually authorised by the Scottish council on 19 August, supports the premise that the Scottish polity were extremely anxious to avoid any settlement that impinged upon the sovereignty of its own council. With pointed brevity, the embassy was authorised to treat only for the liberation of James.<sup>363</sup> No mention is made of either peace or truce, or of the Scottish contingents in France. This is in marked contrast to the copious and detailed instructions given to the English commissioners one month earlier, and testifies to the concern of their government to secure peace and a Scottish withdrawal from France.<sup>364</sup> Indeed, from the tenor of the commission and the degree of discretion allowed to the English negotiators, it is quite clear that the English were concerned to maintain diplomatic contact, even at the expense of a reduced ransom, down to a minimum of £36,000, and a lesser settlement for a long truce rather than the preferred



option of perpetual peace.<sup>365</sup> However, the opening paragraph of the English instructions betrays the possibility that King James was already in agreement with the English proposals. Here it is stated that the council would prefer any 'colloquium' between the King of Scots and his ambassadors to be in the presence of the Lord Chancellor, the bishop of Durham, and that any contact was only to be sanctioned if the Scots insisted.<sup>366</sup> The English were clearly concerned that James' bias towards the English agenda might compromise any future settlement.

Despite the diplomatic gulf between the two governments, both parties eventually met in the presence of King James himself in August 1423. By the following month enough progress had been made to allow the commissioners to move to the Chapter House at York where, on 10 September, an agreement was concluded for the deliverance of James on payment of a ransom of £40,000 over six years.<sup>367</sup> This initial agreement for James' liberation bears similarities to that for David II and the Treaty of Berwick, 'which settled no issue but that of his release'.<sup>368</sup> However, the fact that the Scots readily agreed to this ransom figure for James, and did not press for a lesser sum, invites the conclusion that the Scottish envoys had opted to concentrate their diplomatic skills on the more contentious aspects of the English agenda. It is likely that the Scots would have wished to extract from the English representatives a formal retraction of recent claims by English kings to suzerainty over King James and his realm. Nevertheless, the absence of any reference to either peace or the

situation in France suggests a piecemeal approach on the part of the English, who were eager to avoid any contentious issues that might impede the progress of the discussions. However, this achievement was to be marred somewhat by the tactics of the Scottish commissioners who ut asseruerunt, non erant instructi de Personis et nominibus huiusmodi obsidum. The Scots were plainly in no hurry to expedite any conclusion so soon after the recent Franco-Scottish defeat at Cravant, and did not wish to embarrass the ongoing efforts of Buchan to canvass for further recruits for France.<sup>369</sup>

King James, however, was clearly of the opinion that the York articles provided a propitious basis for his deliverance. Even before the commissioners had appended their respective seals, James was confidently informing many in Scotland of his 'hamecummyng' and requesting financial aid to pay off his debts in England.<sup>370</sup> It is clear that not all of the king's subjects were as ready to comply with his request as the abbey and convent of Cambuskenneth, but there was probably an understandable reluctance to send money south before negotiations had been satisfactorily concluded. From the response given by the burgh of Edinburgh, it appears that the governor had imposed restraints upon those wishing to yield to James' requests, possibly in deference to the ongoing discussions regarding his ransom, which was in any case supposed to cover all the king's expenses during his imprisonment.<sup>371</sup> Since Henry V's death, James had been in receipt of various grants for his own private expenses but, evidently, he was still experiencing a degree of financial embarrassment.<sup>372</sup> It was probably this state of

affairs that prompted James to look further afield for assistance and to send his servant, John Pontfret, to the Flemish commercial town of Bruges in pursuit of his earlier agreement with Burgundy for a portion of Scottish customs.<sup>373</sup>

In the interim, as the English negotiators were still faced with the intransigence of the Scots, it was decided that King James should travel to either Brancepeth Castle or the city of Durham by the first of March, in order to hasten the arrangements for his hostages. The only other element of the September agreement was a proposal for a suitable marriage for James and, on 16 September, the Scottish representatives were nominated to come to London before the end of October for further discussion on this matter.<sup>374</sup> Notwithstanding these arrangements, the arrival of the Scottish envoys seems to have been postponed until the beginning of December. This delay was occasioned by yet another sitting of the General-Council in October, at which the bishop of Glasgow, the senior Scottish representative, was present.<sup>375</sup> The subject matter of this meeting is unknown but, as an agreement had already been concluded at York in September concerning the principle of James' return and his ransom, it is likely that the Scots were engrossed in discussions regarding the preconditions that the English council were seeking to attach to their king's deliverance. By 4 December, a new set of articles was agreed between the two sides, news of which was of 'great consolation and comfort' to the English council.<sup>376</sup> In the main, this agreement echoed that made in September, but with greater



attention to the minutiae for James' release, including the obligation by the Scottish king to affix his Great Seal to all agreements within four days of his arrival back home. There was still no allusion to the question of peace, the French war, or sovereignty, but, in all likelihood, these matters were the subject of concentrated behind-the-scenes negotiations by both sets of commissioners.

It is probably no coincidence that the first formal mention of the Scottish intervention in France came around about the time that the earls of Buchan and Douglas left for the continent in spring 1423 with fresh troops 'all splendidly appointed'.<sup>377</sup> Rather characteristically, Douglas' promise to serve the Dauphin was not freely given, the former receiving the duchy of Touraine not long after he arrived on French soil.<sup>378</sup> The fact that other members of the Scottish nobility had benefited in this way puts a less than altruistic gloss on the motivations behind their respective decisions to serve in France. It also gives further insight into the motivation of Murdach's son, Walter, who championed the French cause in Scotland and opposed any truce with England during the Anglo-Scottish negotiations in 1423.<sup>379</sup> However, the Franco-Scottish alliance had pertained for at least one hundred years, if not longer, and was not taken lightly by the Scottish polity.<sup>380</sup> The alliance had been renewed by successive Scottish kings at the beginning of their respective reigns and the period of governorship was no exception. Moreover, it was a General-Council which had given its support to the issue of military aid to the Dauphin and

sanctioned the passage of Scottish troops to France in 1419. It is also worth noting that, during the Anglo-Scottish negotiations for a lasting peace in 1433, the Scottish council ultimately eschewed the tempting offer made by the English for the restoration of Berwick and Roxburgh in return for dissociation from France, holding the Franco-Scottish alliance to be inviolable.<sup>381</sup> It is likely to have been this dilemma which dominated the deliberations of the council which sat at Dundee in January 1424.<sup>382</sup> The compromise eventually agreed was probably communicated to King James by the bishop of Glasgow, allowing the Scottish king to put his seal to the final agreement on 14 February.<sup>383</sup> The most important elements of this treaty concerned the agreement to a seven-year truce and an assurance that no further aid would be sent to France during that time. This latter point, only included as an addendum, safeguarded the position of those Scots already serving in France and was a significant concession, probably as much in deference to Buchan et al, as it was to the sanctity of the Franco-Scottish alliance.<sup>384</sup>

The only other proposal outstanding from the English commission of June 1423, was finally fulfilled at Southwark Cathedral one day earlier, when King James married Joan of Beaufort, the niece of Bishop Beaufort. This was a love-match that was likely to have been acceptable to the Scots, inviting as it did less prospect of future interference in Scottish affairs as an espousal with an English princess might have occasioned.<sup>385</sup> However, notwithstanding the incredible achievement attained by this progress, the most obvious

omission from any of the agreements was the contentious issue arising from English claims of sovereignty. According to the Tudor chronicler, Edward Hall, King James rendered his homage to Henry VI at Windsor before an assembly of senior prelates and nobles prior to his return home.<sup>386</sup> Despite the fact that Hall goes into some detail, even to the point of transcribing the wording of James' obeisance, his account of the proceedings must be dismissed as fictitious propaganda. It may be true that James was closely associated with the business of the English council throughout this period, and enjoyed a degree of deference and hospitality that had not been apparent in previous years, but there is no evidence that the Scottish king succumbed to these pressures and accepted English suzerainty after the death of Henry V.<sup>387</sup>

Indeed, since Henry VI succeeded his father, it is notable that all chancery records are careful to refer to Murdach as 'governor of the realm of Scotland', with a consistency that was absent prior to 1422.<sup>388</sup> Furthermore, given the strength of the Scottish position during the recent negotiations, it is not unreasonable to assume that the Scots sought a reaffirmation of Edward III's renunciation. However, the instructions to the English commissioners in February 1424 were explicit in their terms to avoid any difficult or arduous matters, owing to the youthful state of Henry VI.<sup>389</sup> This, of course, was the same excuse given by Edward III when attempting to question the validity of the 'shameful peace' and his renunciation of 1328.<sup>390</sup> In this way, the issue of English sovereignty was conveniently



sidestepped rather than, as the Scots would have preferred, formally dismissed. Nonetheless, acknowledgement of the independence of Scotland and her king was implicit in the obligation made by James' for his ransom and the reference to his 'successors as kings of Scotland'.<sup>391</sup> This was in marked contrast to the unfortunate David II who was consistently referred to as 'the prisoner' and was not accorded his royal title even after his release from captivity.<sup>392</sup>

As a final point, it is generally assumed that the complaint made by Humphrey of Gloucester to Henry VI in 1440, was primarily concerned with the financial and political benefits accruing to Cardinal Beaufort by the marriage of King James to his niece, particularly with regard to the subsequent reduction of the latter's dowry by 10,000 marks.<sup>393</sup> Admittedly, there was a degree of antipathy between the former Guardian and Beaufort, but careful reading of Humphrey's protest makes plain that James' deliverance was not sanctioned by a full parliament. Moreover, Humphrey's assertion that Henry V would 'never have so delivered' James, could well imply that many in England would have preferred the Scottish king's liberation to have been conditional upon his acceptance of English sovereignty.<sup>394</sup>

These apparent reservations may account for the last minute delays that plagued King James' release. James and his bride were scheduled to arrive at Durham at the beginning of March, in advance of the arrival of his hostages and escort. However, the bishop of Durham, a key player in the proceedings, did not arrive until 20

March; while the bishop of Glasgow, his diplomatic counterpart, appears to have declined involvement in the final denouement and was still at Perth with the governor on 22 March.<sup>395</sup> Nevertheless, aside from the earl of Mar and those lords engaged on the French battle fields, the majority of the Scottish nobility presented themselves at Brancepath to provide a respectful and honourable escort to their returning king.<sup>396</sup> Just as the Scots were eager to profess their loyalty to King James, the English went to some lengths to ensure that their new-found deference for the Scottish king was conspicuously marked, and, accordingly, the earl of Northumberland was instructed to augment James' escort with 'a decent number of lieges'.<sup>397</sup>

The final adjustments to the list of hostages represented the Scottish king's last opportunity to exercise his growing political influence while still on English soil, and was brought to a close on 28 March.<sup>398</sup> Apart from an obligation by the hostages and their servants not to do or say anything prejudicial to Henry VI, the English commissioners gained no further concessions, leaving King James free to cross the border early in April 1424 with his sovereignty and, more importantly, that of his kingdom triumphantly intact.<sup>399</sup>

In conclusion, therefore, the preoccupation of modern historians with the first duke of Albany as an ambitious and self-serving politician, has little relevance to the duration of the captivity of King James. Albany may well have harboured a personal desire to exclude James from the Scottish succession, but his status as an elder

statesman and his previous experience as lieutenant during the reigns of his father and brother, made him an appropriate figurehead for a political community bereft of its king. According to a letter written by Henry IV in January 1410, Albany's mask slipped briefly when he sought a marriage alliance with the English crown, in flagrant breach of his strictly limited commission as governor. However, the governor's brief attempt at self-indulgent diplomacy was checked by his peers almost as soon as it was conceived.

Of much greater pertinence to James' captivity was the part played by the Scottish council that appointed Albany as governor in June 1406. It was at this General-Council that James was recognised as king and the commitment to his return enshrined in statute. For the duration of James' detention, embassies dedicated to his return were almost an annual occurrence and the seniority and interests of those involved in these endeavours provides ample testimony to the sincerity of the council in this respect. Nevertheless, the council's commitment to James was not pursued to the detriment of their principal obligation, the defence of the sovereignty of the Scottish realm.

The claim of the English crown to suzerainty over the Scottish kingdom may have predated the Wars of Independence, but was not regarded by the Scottish community as an obsolete and insignificant diplomatic device. This is seen by the prompt and uncompromising response made by the Scottish council when Henry V asserted his right to homage from the Scots in 1416. On



the majority of occasions when the portents for James' return seemed most favourable it was the English crown's contentious assertion of sovereignty that wrecked the prospects for his deliverance, not the tactics of either governor. In any case, it was only when political conditions within England allowed, or when the Scots threatened to jeopardise English interests in France, that Scottish representatives were invited to discuss the deliverance of their king.

The obligation of the governor and his council to defend the realm was further complicated by the unresolved animosity between the two countries and the international turbulence arising from the Hundred Years War. With purposeful determination, the Scots sought to reverse the incursions made by Henry IV into southern Scotland after Homildon Hill, irrespective of the impact these hostilities might have had upon the situation of either James or Murdach. The 'Foul Raid' is usually cited as an example of Albany's military shortcomings, but the retreat was only less foolish than confrontation and its inherent risk of repeating the desolation of Homildon Hill. Furthermore, with the restoration of the earl of March bolstering the security of the Border, the Scots were better able to pursue their main objective to rid southern Scotland of its English interlopers. Their success can be measured by the fact that only Roxburgh and Berwick were left in English hands when King James returned home. The attempts to bring these two English outposts under Scottish control may have been ultimately unsuccessful, but the constant harassment of English garrisons proved to be a debilitating drain on the

military and financial resources of the English government.

However, Scotland's renewal of the alliance with France at the beginning of the governorship had more impact upon Anglo-Scottish relations than any cross-border forays. The civil war that had intermittently prevailed in France since 1392 continued unabated during James' absence and seriously undermined Scotland's capacity to call upon her old ally for aid. This was the motivation behind the repeated diplomatic efforts of the Scots to effect a reconciliation between Orleans and Burgundy. These efforts were not always successful, but Scotland did derive some benefit from the alliance with France, less so in military aid, but more as a form of diplomatic insurance against the presumptions of England. It was this latter point that underpinned the blunt refusal of the Scottish representatives to denounce their association with France during the negotiations for the release of King James in the 1420's.

In the midst of this turmoil, King James was forced to endure eighteen years of constitutional limbo suspended between recognition of his kingship and his formal coronation. Only twelve years of age at the time of his capture, James was amenable to the influence exerted by Henry IV and Henry V, both of whom cultivated the goodwill of the young king by his inclusion in many court activities, both formal and otherwise. The success of their efforts is seen by James' letter in 1412, where he expressed his belief that it was not the English king

who offered any impediment to his return, but his uncle Albany. As with David II, King James was used as a political tool to cajole the Scots into accepting some form of English sovereignty as a precondition to his release. Probably since c. 1408, but more conclusively from 1411, James was encouraged to maintain contact with his subjects and, thereafter, played an increasingly prominent role in the negotiations for his own deliverance. Nevertheless, James' threat to seek other 'remede' was not fulfilled until 1420, when he agreed to accept the overlordship of Henry V and serve in his French wars. However, James' intercession appears to have had little impact back in Scotland. On the contrary, it is likely that his presumption to intervene only served to strengthen the determination of the Scots to act independently of his influence.

Likewise, James' attempts to establish a Scottish 'party' dedicated to his deliverance were largely unsuccessful. Aside from those associated with him at the time of his capture, the Scottish king's influence did not extend beyond the questionable benefits arising from his association with the earl of Douglas and members of his family. Modern historians ascribe to Douglas a nobility of purpose, a view that was probably not shared by the rest of the Scottish community. This was seen by the distinct lack of enthusiasm for Douglas' scheme to procure the temporary liberation of King James in 1421. Whatever conditions James agreed to at this time are unknown, but once he had yielded to King Henry's overlordship it is unlikely that this settlement would have been welcomed by a political community



dedicated to maintaining the independence of the Scottish kingdom.

The earl of Douglas was not the powerful and commanding magnate so commonly portrayed by modern historians but a lesser man bowed by his waning influence and financial problems; both of which often forced him to operate outwith the mainstream of Scottish politics. In short, Earl Archibald was a maverick whose intervention always had the advantage of personal profit. In contrast, the majority of James' subjects remained loyal to the governor and the line pursued by the General-Council. Memories of the destructive disunity that had erupted during the Wars of Independence served to remind the magnates of the consequences of civil war, and ensured a measure of unity that endured the governorship of both Duke Robert and his son.

As for the period leading up to James' eventual release, the death of Henry V had a greater impact upon the plight of the Scottish king than the demise of his uncle. After 1422, the council governing England on behalf of the infant Henry VI was faced with the double jeopardy arising from their commitment to honour the Treaty of Troyes, and an almost unworkable constitutional arrangement. The desperation of the English council to end James' captivity and, thereby, effect Scottish neutrality in the Anglo-French war, is seen by their willingness to waive the sovereignty issue and agree to a reduced ransom.

The delays that intervened during the final negotiations for James' deliverance had little to do with Scottish domestic politics, but arose from a determination on the part of the Scots to deny English interference in their foreign affairs, and to exact a formal retraction of the English crown's claim to sovereignty. There is no evidence to support the view that Murdach contrived to thwart the restoration of James to his kingdom. Murdach is generally represented as the rather weak and miserable progeny of his more capable father, and the Scottish polity may well have been disappointed in the second governor. Nonetheless, it is by no means certain that his shortcomings would have led the Scots to sacrifice years of steadfast resolve in the face of English presumption. The only indication that the Scots might have been weary of Murdach and his governorship is by the compromise agreement negotiated for the liberation of the Scottish king, and the undertaking not to send any further troops to France. Aside from this limited concession, the final settlement for James' deliverance is reminiscent of that agreed at Berwick for the captive David II in 1357. However, although neither the government of the Steward nor that of the Governor Murdach were able to extract formal confirmation of Scottish independence, at least recognition of this sovereignty was implicit in the agreement effected at York and London in 1423.

In sum, therefore, the return of King James to a free and sovereign kingdom was accomplished in the face of seemingly insurmountable political difficulties. The success of this achievement is not attributable to the

actions of any one man, but, rather, to a unified Scottish political community drawing inspiration from its constitutional past.



## NOTES

1. Bradley, P.J., 'Henry V's Scottish Policy: A Study in Realpolitik', [Bradley, 'Henry V'] in J.S. Hamilton and P.J. Bradley edd., Documenting the Past: Essays in Medieval History Presented to G.P. Cuttino (1989), pp.65, 178, 186.

Balfour-Melville, 'Captivity', pp.45, 52 .

Balfour-Melville, 'Later Captivity', pp.90, 92-3, 94, 96, 97.

Balfour-Melville, James I, passim.

Brown, M., 'Crown-Magnate Relations', p. 16.

Brown, M., James I, p. 26.

Kirby, J.L., Henry IV of England [Kirby, Henry IV] (London, 1990), p.195;

Wylie, Henry IV, ii, p.393.

2. Brown, 'Crown-Magnate Relations', p.12.

3. Duncan, A.A.M., 'Honi soit qui mal y pense: David II and Edward III, 1346-1352', [Duncan, 'David II and Edward II'] in S.H.R., lxvii (October, 1988), pp. 113 -141.

4. Storey, T.L., Thomas Langley, p.135

5. James was captured on 22 March, nearly three weeks before a truce was due to expire.

Balfour-Melville, 'Captivity', pp.47-8.

Balfour-Melville, James I, p.31.

Fraser, Menteith, i, p.193

C.P.R., Henry IV (1405-8), iii, 168, 303.

C.D.S., iv, no.724.

C.D.S., v, no.938.

Rot.Scot., ii, 180.

6. Neville, 'Marches', p.18, n.3.

E.R., iv, 20, 44.

7. Kirby, Henry IV, passim

Brown, A., 'Commons and Council', pp.1-30  
 Curry, A., The Hundred Years War, (London, 1993), p.90

Harris, G.L., 'The Exemplar of Kingship', in G.L. Harriss ed. Henry V: The Practice of Kingship (Oxford, 1985), pp.54-55, 140, 160, 164.

Keen, England, pp.313-316.

8. For English problems in France see:-

McFarlane, Lancastrian Kings, p.105.  
C.P.R., Henry IV, iii, 61, 89.

9. F., O, viii, 432  
Signet Letters, no.514.

The first debilitating attack of Henry IV's mysterious illness, which was to recur throughout his reign, was in June 1405. For a discussion as to the nature of King Henry's illness see:-  
 McNiven, P., 'The Problem of Henry IV's Health, 1405-1413', in E.H.R., C (1985), pp.745-772.

10. McFarlane, Lancastrian Kings, p.106.

11. Ibid, pp.91, 92.

12. Ibid, pp. 91. 92. The restrictions imposed upon King Henry IV have many parallels with those attached to the lieutenancy of the Duke of Rothesay in 1399. A.P.S., i, 572-3.

13. Brown, A., 'Commons and Council', p.30.

14. The embassy sent to France in October 1406, for example, comprised John Cheyne, Master Henry Chichele, and Hugh Mortimer. All these men were closely associated with Prince Henry, Mortimer being the prince's chamberlain. F., O, viii, 452.

15. While residing at Hertford in November 1406, King Henry's only instruction to the council regarding an English commission to Flanders was 'to act as they think best'. Signet Letters, no.699

16. P.R.O., E.404.21/284, 291; 22/165: C.D.S., iv, 723, 727.

17. Kirby, Henry IV, p.202.
18. Chron.Bower, (Watt), viii, p.61.

The three esquires noted as being in the company of King James early in his captivity were William Seton, John Toures, and William Gifford. P.R.O. E.404.21/291: C.D.S., iv, 727 (where William Gifford is erroneously referred to as John). There is no extant record for Alexander Seton, lord of Gordon, who, according to Wyntoun, accompanied James on his fateful journey from the Bass Rock, although he may have been related to the above-mentioned William Seton. Chron.Wyntoun, vi, p.414. William Gifford is generally noted as steward and esquire of the king in the Scottish exchequer records, where he received an annuity from the Edinburgh customs for his service to James. E.R., iv, 252, 277, 328, 347: S.R.O. James VI Hospital in Perth GD 79/1/14.

The identity of the chaplain 'Sire Donkertone' who was with James from 1406 is uncertain, but possibly synonymous with Dougall Drummond, a cleric who is known to have laboured on behalf of the king. He was not the only chaplain to serve James during his captivity. See:- C.D.S., iv, 838-9.

English financial records do not always give details of the lesser men imprisoned with James, and it may be that those mentioned as being with the Scottish king in 1413, including his servants John Aulway and John Welles, were with him from the beginning. Ibid, 838-9.

Not all James' servants were home-grown, however, as demonstrated by a grant made by the king to Robert Coxale in 1429, de regno Anglie oriundo, -- pro eius continuis servitiis a juventute eius fideliter impensis. R.M.S., ii, no.126.

19. P.R.O. E.404.22/258
20. This evidence has important implications for the dating of letters written by James during his captivity. It also contradicts previous conclusions regarding the date that John Lyon was supposed to have entered King James' service and, therefore,



impinges upon arguments regarding the relationship between the Lord of the Isles and the governor. For discussion of this point see Chapter IV. As to the traditional view that Lyon was a chaplain of the Lord of the Isles and did not enter James' service until c. 1410/11, see Acts of the Lords of the Isles, pp. lxxvi, 257.

21. Sir William Cockburn is frequently noted as being in the service of King James, and acting as the bearer of sundry letters from the king to Scotland. S.R.O. S.P.13/12. At London in September 1406, Cockburn was a witness to a charter of the earl of Douglas who was then still in captivity after his capture at Shrewsbury in 1403. Other witnesses to the earl's charter included the earl of Mar and John Sinclair, both of whom were able to provide James with a channel of communication to Scotland.

N.L.S., Adv. Mss., 80.4.15., 146, no.1. [Ref. from Brown, M., James I, p.19.]

22. Kirby, Henry IV, p.181: C.D.S., iv, 727.
23. E.R., iv, 39. Possibly the embassy that was commissioned to meet Sir Robert Umfraville et al in February 1406. F.O., viii, 430.
24. Safe-conducts granted on 5 July 1406 for William Graham, lord of Kincardine, Walter Stewart of Railston, Master William Lawder, and Master John de Glasgow, to come to the presence of Henry IV. Rot.Scot., ii, 178: F.O., viii, 445.

On 8 September 1406, safe-conducts were issued for the Abbot of Balmerino, the lord of Kincardine, John Stewart lord of Lorne, Master John Mertoun, Master John Glasgow, canon of Moray, and John Ochiltree, secretary of the duke of Albany. This embassy was to come to England and their letters were to be sent to King Henry 'wherever he is'. Signet Letters, no. 649.

On 11 December the same year, the bishops of Aberdeen and Dunkeld, the earls of Crawford and Mar, and the lord of Kincardine were granted safe-conducts to negotiate a peace or long truce between

the realm of England and the land of Scotland.  
Rot.Scot.,ii,181: F.,O.,viii,461.

25. See above, n. 1.
26. Brown, M., James I, p.18 - gives 1412 as the date.  
 For post 1406 examples of James as 'serene prince,  
 son of our king', see:- E.R.,iv, 9, 39,55,102.

From 1410, James was generally referred to as 'the  
 lord king'. Ibid, 125, 142 ,163, 211, 238, 291  
 309,339, 344, 345, 347, 351, 369.

27. C.P.R.,iii,475 : C.D.S.,iv,892:  
P.R.O., E.404.35/120.

28. Fraser, Menteith,i, p.207.  
Rot.Scot., ii, 181,183,192,199.  
F.,O., viii, 461,479,609,703,704.

29. The advice given to Henry IV in March 1407 by the  
 bishops of Durham and London on this matter was to  
 prepare two commissions. One commission was to  
 treat with the ambassadors of Albany, and the other  
 was to treat with the ambassadors of Scotland.

Fraser, Menteith, i, p.202  
 Storey, Thomas Langley,pp.147-8

30. Barrow, Bruce, p.134.
31. The earls of Northumberland and Westmorland were  
 appointed in [April] 1402, to treat with the Scots  
 and to 'receive the allegiance of any Scots wishing  
 to render it---'. Signet Letters, no.69. For  
 references to Robert III as 'our Adversary', see  
Rot.Scot., ii, passim.

32. Hingeston, Letters, ii, pp.153-6.

33. Ibid, p.159.

Chrimes, S.B., 'Some Letters of John of Lancaster  
 as Warden of the East Marches towards Scotland', in  
Speculum, xiv (1939),pp.22-23, no. 12.

34. Brown, A., 'Commons and Council',p.30: McFarlane,  
Lancastrian Kings,p.105.

For a discussion of the bishop's role and a description of the palatinate of Durham as a 'wall of brass between the King and his Scottish enemies', see Storey, Thomas Langley, pp.144-162.

35. Duncan, 'David II and Edward III', p.128.

36. Keen, England, p.314 : E.R., iv, 70-1.

In a letter written to Henry IV in March 1407, the Archbishop of Canterbury advises the king to insist that the Scots return 'that fool calling himself King Richard'. Hingeston, Letters, p. 159.

In 1413, John Whitlock, a servant of Richard II, was accused of conspiring with the Scots since 1406 to spread news that Richard II was still alive and living in Scotland. Aston, M.E., Lollards and Reformers: Images and Literacy in Late Medieval Religion (London, 1984), p.28.

37. A.P.S., xii, 20-21: E.R., iv, 70-1.

38. The Franco-Scottish Treaty agreed at Corbeil in 1326, provided for mutual military aid against England. Barrow, Bruce, pp.63, 251.

The earl of Crawford had been in the service of Orleans since at least January 1402, and was present at the siege of Calais in 1406.

N.L.S.Acc.9769, Additional Balcarres Titles, 75/1/3.

France-Ecosse : Catalogue de L'Exposition, par B. Mahier & N. Gand de Vernon, (Paris, 1956), p.16, no.77.

C.D.S., v, no.912.

Ditcham, B.G.H., 'The Employment of Foreign Mercenary Troops in the French Royal Armies 1415-1470' (unpublished Ph.D. thesis, University of Edinburgh, 1978), p.2 n.6.

C.D.S., v, no.924. : Signet Letters, no.81. Evidence for French presence at Homildon Hill.

F.O., viii, 456. Array of October 1406 in response to French attacks on Calais and Aquitaine.

C.P.R., iii, 303. Array against French in June 1407.



39. Fraser, Douglas, iii, 46-47: F., O., viii, 478.

The indenture included the provision that, even if this long truce was not accepted by the Scottish council, Douglas was to honour a one-year truce by his own authority as warden of the Marches. As a postscript to the indenture, there was a handwritten promise by the earl to aid England if Scotland or France broke the truce with England.

40. F., O., viii, 464, 483 : Rot.Scot., ii, 181-2, 184.
41. Ibid, 183.
42. P.R.O. E.404. 22/283, 542.
43. Balfour-Melville, 'Captivity', 49.  
P.R.O. E.403. 599. The last payment to Grey was on 16 July 1409.
44. Storey, Thomas Langley, pp.21, 34-5.  
McFarlane, Lancastrian Kings, pp. 92, 106.
45. Wylie, Henry IV, ii, p.40: F., O., viii, 499, 538:  
Signet Letters, no.707.
46. Grant, Independence, pp.35-6.  
Balfour Melville, Edward III and David II, pp.14-22.  
Duncan, 'David II and Edward III', p.119.
47. C.P.R., iii, 363.
48. Ibid, 363.
49. Nicholson, R., 'David II: The Historians and the Chroniclers', in S.H.R., xlv (1966), p.63.  
  
Balfour-Melville, E.W.M., 'Papers Relating to the Captivity and Release of David II', in Miscellany of the Scottish History Society, ix (1958), p.9.
50. Acts of the Lords of the Isles, pp. lxxvi, 263.
51. C.P.R., iii, 361.
52. Chrimes, 'John of Lancaster', p.9 : C.P.R., iii, 360.

53. Ibid, 363 : F., O., viii, 414.
54. In September 1407, both Douglas and Orkney were granted safe-conducts until 1 November and 25 December, respectively. C.P.R., iii, 360.

Fraser, Douglas, iii, nos. 351, 368.

Despite the earlier failure of the earl of Douglas to sway the Scottish polity, he was granted favourable concessions regarding his personal and commercial interests. Ibid, 363, 427: Rot. Scot., ii, 185.

55. Chron. Bower, (Watt), viii, p. 67.
56. Fraser, Menteith, i, p. 208.: Hingeston, Letters, ii, pp. 214-5. Letter written at Perth, 4 November 1407.

The safe-conducts were granted at Leicester. From extant evidence King Henry was last there in June 1407.

57. Douet-D'Arcq, L., La Chronique d' Enguerran de Monstrelet, [Monstrelet] (Paris, 1862), i, pp. 153.-4
58. Letter dated 26 November 1407. Hingeston, Letters, ii, 219.
59. C.P.R., iii, 411, 428, 432, 463.  
Keen, England, p. 313 : Kirby, Henry IV, pp. 218-9.

While in Scotland, the duke of Albany ensured that the English rebels were favourably treated. Chron. Wyntoun, vi. pp. 409- 410.

60. Storey, Thomas Langley, p. 148.  
C.P.R., iii, 487: F., O., viii, 514.
61. C.P.R., iii, 360.
62. Rot. Scot., ii, 186: C.P.R., iii, 427: F., O., viii, 536, 537.
63. Rot. Scot., ii, 187: F., O., viii, 544. 31 July 1408.
64. Craig, Jus Feudale, pp. 812-3.

65. Duncan, 'David II & Edward III', p. 126.  
Balfour-Melville, Edward III and David II, p.16.

66. Rot.Scot., ii, 180 : C.P.R.,iii,363.

A Robert Welles received permission to travel to Scotland in July 1422 during a rash of safe-conducts for James' servants and retainers.  
Rot.Scot.,ii, 233.

A John Welles was liberated from the Tower in April 1413, and continued to labour on King James' behalf, both while the latter was captive and after his release. Ibid.,ii,209, 225 : E.R.,iv,411.

Perhaps both of the above were related to James de Wedale who was Robert III's macer. Ibid.,iv,39.

67. C.P.R.,iii,485 : F.,O.,viii,500.

The lord of Lorne was involved in discussions for James' liberation on further occasions.  
Rot.Scot.,ii,196: E.R.,iv,142,163: C.D.S.,iv,801:  
F.,O.,viii,701.

68. S.R.O. S.P. 13/12

69. Expenses of King James, Murdach and Griffith in c/o Lord Grey from February through to November 1408:-  
P.R.O. E.404.23/283 : C.D.S.,iv,767,777,781.

Henry IV was at Nottingham from March 1407 through to September the same year :-  
F.,O., viii, 500: C.P.R.,iii,362, 363: Signet Letters, nos. 702, 950.

70. The safe-conducts for Sinclair and Forrester were dated 27 April 1408. C.P.R.ii,487.  
There is no extant safe-conduct for the earl of Orkney but he was paid from the exchequer audit of 27 March 1408 - 20 May 1409. E.R.,iv,102.

71. C.P.R.,iii,475 :- dated April 1408.

72. Ibid.,486.



The embassy comprised William Lawder, archdeacon of Lothian, George Borthwick, clerk, and Master Alexander Lillescliffe.

73. Rot.Scot.,ii,189: Liber Sancte Marie de Balmorinach (Abbotsford Club, 1841),iii-iv.

Two separate safe-conducts for William Lawder, now bishop of Glasgow, and John Hailes, the abbot of Balmerino, dated 24 October and 25 October, respectively.

William Lawder was provided as bishop of Glasgow following the death of Mathew de Glendowyn in May 1408. Lawder's trip to France in the autumn may have been primarily concerned with his consecration, however, it is likely that his visit would also have served diplomatic purposes. Lawder was, of course, one of the Scottish representatives present at the signing of the renewal of the Franco-Scottish Alliance in Paris in February 1407. Watt, Graduates,p.332.

74. Duncan, 'David II & Edward III', pp.125-7.

75. MacNiven, 'Henry IV's Health', passim.

76. Kirby, Henry IV, p.220.

77. William Davison, a petty criminal, was accused of conspiring with the Scots in October 1408, with the intention of betraying the castle of Roxburgh to them. Storey, Thomas Langley, p.141.

78. Rot.Scot.,ii,189.

Storey, R.L., The Register of Thomas Langley: Bishop of Durham,1406-1437 [Storey,Langley's Register] (London,1956), i, p.96, no.111.

79. Some form of council was held at Perth in October 1408.R.M.S.,i,no.908 : Watt, Graduates, p.199.

In 1408, the inhabitants of Aberdeen contributed £18, 10s, 11d. towards an embassy to England. Charters and other Writs illustrating the History of the Royal Burgh of Aberdeen, ed. P.J. Anderson (New Spalding Club, 1890), pp.312-317.

80. C.D.S.,iv,780. On 21 December 1408, safe-conducts were issued for the bishop of Brechin, Duncan, earl of Lennox, William, lord of Graham, John Stewart, lord of Lorne, Walter Stewart of Railston, knights, Master Robert Lany, provost of St. Andrews, Master John de Glasgow and Master John de Busby, canons of Moray and Dunblane, respectively.

81. Balfour-Melville, James I, p. 31.

82. C.P.L.,Benedict, p.313.

A safe-conduct was issued on 29 December 1408, allowing Mar to return from France via England. Rot.Scot.,ii,190.

83. Rot. Scot.,ii,190: C.D.S.,iv,784.

Although Jedburgh castle was captured c. May 1409, by 'Teviotdale men of middling rank', they did have some inside help. Chron.Bower,(Watt),viii, pp.73, 192 n.1. : Storey, Thomas Langley,p.141.

84. S.R.O. Swinton Charters GD 12/16.: Fraser, Douglas, iii, nos. 349,350.

85. Chron. Wyntoun,vi,p.408.

A letter from the countess of March to Henry IV lists various complaints.(undated, but probably written c. 1407.) Fraser, Douglas,iv,no.56.

The earl of March had been rewarded from the forfeited lands of the Shrewsbury rebels, and continued to reside at his own castle of Cockburnspath while enjoying the English king's peace. Keen, England, p.311: Rot. Scot., ii, 184: Signet Letters, no. 380.

As regards the friction between the Dunbars and the local populace, see :- F.O.,viii,481.

86. Eulogium Historiarum sive Temporis, ed. F.S.Haydon (Roll Series,1863), p.414

87. One of the complaints made by the countess of March in her letter. Fraser,Douglas,iv,no.56.

88. Ibid., no. 56.
89. Ibid, iii, no.356.  
cf. Watt, Graduates, p.83, where it is stated that Douglas intended to fulfil his parole obligations and return to England.
90. Chron.Wyntoun, vi, p.393, where it is implied that March's exile was not entirely of his own volition.
91. Chron.Bower, (Watt), viii, pp.49-51, 172 n.3. : Jacob, E.F., The Fifteenth Century (Oxford, 1961), pp.37, 46-7: The Buik of the Croniclis of Scotland, ed. W.B.Turnbull, (London, 1858), iii, p.483.
92. Chron.Bower, (Watt), viii, pp.53-57. The situation was further complicated by Henry IV's grant to the earl of Northumberland of all lordships and lands possessed by the earl of Douglas in 1403. Rot.Scot, ii, 163.

During the period 1401 to 1404, no customs were raised in the burgh of Dunbar, on account of the 'common war'. E.R., iv, 6.

93. Rot.Scot., ii, 184 : C.P.R., iii, 361.  
S.R.O. GD 12/16. : Fraser, Douglas, iii, no.350.
94. P.R.O. E 39. 102/10.

This document has been badly damaged by damp, rendering the middle section illegible. However, it is written in a contemporary hand and dated at Edinburgh. If not the original document, it may well be a contemporary English copy. An endorsement, written some time later, describes the document as a litera pardone.

95. Chron.Bower, (Watt), viii, 75. Fast Castle was taken by Patrick Dunbar, a younger son of the earl of March, in 1410.

March's reinstatement was not entire as the earl of Douglas remained sole warden of the Marches from at least January 1418. C.P.R., Letters, vii, 68-9: C.S.S.R., i, 142.



The nature of the arrangements pertaining to the period 1401 to 1420 is unclear. After the reinstatement of the earl of March there is evidence for the two families co-operating to defend the Anglo-Scottish border. The assault on Roxburgh in 1410/11, involved Gavin Dunbar, the second son of the earl of March, and Sir William Douglas of Drumlanrig. Chron.Bower, (Watt), viii, p.81.

There is an undated charter by the earl of Douglas, regarding the lordship of Annandale, wherein Gavin is noted as a witness. The charter may well date from around the time of the Roxburgh assault. H.M.C., Report 6, i, p.713, no.3.

96. English embassy authorised to negotiate with the commissioners of the duke of Albany, 'governor of the realm of Scotland as he asserts'. Rot.Scot., ii, 192.
97. Kirby, Henry IV, pp.227-8  
McFarlane, Lancastrian Kings, p.92.
98. Ibid, p.108.
99. Kirby, Henry IV, p.235 : McFarlane, Lancastrian Kings, p.108.
100. Kirby, Henry IV, pp.225, 226: F., O., viii, 629.  
McFarlane, Lancastrian Kings, p.108
101. Balfour-Melville, James I, p.47 Payment dated 16 June 1409.

Griffith Glendower, who had been with James at Nottingham, was transferred to the Tower in March 1411, but no mention is made of the fate of James. Calendar of Close Rolls (C.C.R.), iii, 148.

102. The absence of extant documentation is a dangerous premise on which to base an argument, but the coincidence of the prince's ascendancy with the disappearance of King James from the English record is too intriguing to ignore.
103. For the full text of the letter, dated at Westminster and, therefore, before the king's

withdrawal from the capital, see Chrimes, 'John of Lancaster', pp. 24-5, no.14.

104. Chrimes, 'John of Lancaster', p.24.

105. S.R.O. S.P. 6/10.

Letter of Henry IV to Albany, given at Leicester 3 December. No year date, but 1409 is suggested by the following evidence:-

a) safe-conduct for Douglas in December 1409. Rot. Scot., ii, 192.

b) Henry is known to have been at Leicester in December 1409. Signet Letters, no. 741.

106. General-Councils were held at Perth in May 1409, and at Holyrood in March 1410, the latter being continued in July at Perth. R.M.S., i, nos. 918, 925, 930: Murray, Acta, R.G. 76, 78: S.R.O. GD 160/14/2: Duncan, 'Councils-General', p.143: Chron.Bower, (Watt), viii, p.73.

The governor's daughter Elizabeth married Fleming of Biggar and Cumbernauld sometime before 28 June 1413. Scots Peerage [S.P.], i, 149.

107. The English parliament of January 1410 introduced an article which impinged upon King Henry's royal liberties and prerogatives. Kirby, Henry IV, p.241. In addition, the arrangements for a standing council for the king, with its members sworn in parliament, were reinstated as per 1406. McFarlane, Lancastrian Kings. p.92: Brown, 'Commons and Council', p.27.

108. General-Council held at Holyrood in March. The well-attended council meeting included the embassy itself. See above n. 106.  
C.D.S., iv, 793 : E.R., iv, 115.

109. F.,O., viii, 635 : Fraser, Menteith, i, p. 215.

110. Rot.Scot., ii, 194 : F.,O., viii, 639.

111. McFarlane, Lancastrian Kings, p.92.

112. See above n.95

113. Storey, Langley's Register, p.133 : Kirby, Henry IV, p.231: Storey, Thomas Langley, 27.
114. Bower dates the assault on Roxburgh to 1411, however, the escalation in hostilities during the summer of 1410 invites the possibility of an earlier date. Gavin Dunbar was paid for his labours during time of war at the exchequer audit of June 1412, which ran from July 1410. The instructions to the English ambassadors in May the following year, suggest that the burning of Roxburgh predated this commission. It is likely, therefore, that the array against the Scots in July 1410, was in response to the action of the earl of March's son. F.,O., viii, 639: C.P.R., 1408-13, 223-4. Chron.Bower, (Watt), viii, 81, 187, n.3-5: E.R., iv, 163-4.
115. Dated at Edinburgh, 2 October 1410. The full text is not extant but is referred to in Henry IV's reply. Hingeston, Letters, ii 291-4.

It is known that Prince Henry favoured a stricter line with the Scots and he may well have authorised Sir Robert Umfraville's action against Scottish shipping early in 1411. Perhaps knowledge of this proposed raid precluded King Henry's acceptance of Albany's offer to open diplomatic channels at a higher level. D.N.B., xx, p.24.

116. Hingeston, Letters, ii, 291-4.
117. John Busby, canon of Moray and Albany's chaplain, and John Porter, esq., were granted safe-conducts in December 1410. Rot. Scot., ii, 195.

The first mention of payment to Sir William Cockburn for services to King James was made at the exchequer audit in July 1410, and it is possible that he visited James sometime during this year, though no safe-conduct survives. E.R., iv, 125.

118. F.,O., viii, 599-601, 641, 668 : Chichele, p.xxxi : Kirby, Henry IV, pp.229 - 230.
119. Kirby, Henry IV, p. 324 : Chrimes, 'John of Lancaster', p.6 : Storey, R.L., 'The Wardens of the



Marches towards Scotland, 1377-1489', [Storey, 'Wardens'] in E.H.R., lxxii (1957), pp.599-600.

120. Rot.Scot., ii, 195 : F.,O., viii, 678.

121. Duncan, 'General-Councils', p.143.

Sir John Stewart, lord of Lorne, Master Robert Lany, Master Alexander Carnis, and John Busby, were granted a safe-conduct on 29 April 1411, which was renewed on 5 May. Rot.Scot., ii, 196 : C.D.S., iv, 801. However, they do not seem to have set out in May, their safe-conduct being repeated in September 1411. Rot.Scot., ii, 197.

The more senior Scottish commission were granted their safe-conducts on 23 May. The bishop of Glasgow, William Lawder, was probably Scotland's most senior constitutional expert. He had lectured in civil law at the French university of Angers, and had been frequently employed on diplomatic missions, including those concerning King James. As will be seen, the bishop played a prominent role in the Scottish response to Henry V's formal claim to sovereignty over Scotland in 1416, and in the negotiations which led to James' eventual release. Watt, Graduates, pp.331- 333 : Rot. Scot., ii, 196: F.,O., viii, 686 : C.D.S., iv, 804; v, 941.

122. Alan Newerk, B.C.L., King's clerk, had been employed on diplomatic missions to the Scots since c. 1390. Note his role in negotiations of 1400-1, when Henry IV pressed his claim to suzerainty over the Scots. Archdeacon of Durham from 1408. Died 1412. P.R.O. E. 404 16/401; E. 404 18/266. Stones, E.L.G., Anglo-Scottish Relations :1174-1328 (London,1965), p. 173 n.2: Emden, A.B., A Biographical Register of the University of Oxford to A.D. 1500 (Oxford,1958), pp.1354-5. Storey, Thomas Langley, pp.192-4.

Richard Holme, also with a legal background, seems to have worked as Newerk's understudy, succeeding him in many of his clerical offices and in his duties as a diplomatist with a particular interest in Scottish affairs. Held canonry of York and acted as the bishop of Durham's spiritual chancellor. Died 1424. Storey, Register, i, pp.xvi, 152 : Rot. Scot, ii, 215 : Emden, A.B., A Biographical

Register of the University of Cambridge (1963), pp.311-2 : Storey, Thomas Langley, p.25 : Rot. Scot.,ii,192.

123. Storey, Thomas Langley, pp. 148-9.

Watt, Graduates, p.83, where doubt is cast as to whether Alexander Carnis, one of the Scottish ambassadors, fulfilled his commission.

124. Kirby, Henry IV, pp. 235-6.

125. Ibid, pp.235-6: McFarlane,Lancastrian Kings, p.108.

126. E.R.,iv,164. The next audit was not held until June 1412.

127. Rot.Scot., ii, 197: F.,O.,viii,703.The only omissions from May were the bishop of St. Andrews, and the lords Graham and Hay.

128. S.R.O. S.P. 13/12.

In his letters to the governor and other lords, James refers to Lyon as being the bearer of these present letters, as well as on at least one previous occasion. Lyon was granted a safe-conduct in June 1411, with permission to travel back and forth between England and Scotland during a twelve-month period. Rot. Scot.,ii,196:C.D.S.,iv, 806.

In the above-mentioned safe-conduct, he is noted as 'chaplain of the Lord of the Isles'. This designation has to be questioned as nowhere is he associated with the Lord of the Isles, either as a charter witness or in Vatican archives, unlike Bean MacGillandris, a contemporary who became Bishop of Argyll. Acts of the Lords of the Isles,p.259.

After 1411, Lyon was frequently engaged in the service of King James, occasionally re-joining him in captivity. By 1418, Lyon is noted as secretary to King James. Dead by 1424. C.S.S.R., i, 14 -15: Watt, Graduates, p.366.

On 15 June 1411, Sir William Cockburn was granted a safe-conduct, along with three others, with permission to come to the presence of the English



king. Rot. Scot., ii, 197. No safe-conduct is extant for Sir Archibald Edmonstone, cited by James in his letter as Cockburn's co-messenger.

129. P.R.O. E. 404 22/258.

130. See above, n. 128.

The safe-conducts issued to the Scots in May 1411 only refer to truce negotiations, however, Carnis was a member of this embassy and he, together with Lorne, Lany and Busby, were paid in summer 1412 for the liberation of James and Murdach. E.R., iv, 142, 163.

131. Rot.Scot., ii, 199: F.,O., viii, 703, 704 : C.D.S., iv, 811.

132. Rot.Scot., ii, 196: F.,O., viii, 801: E.R., iv, 142, 164.

133. Curry, Hundred Years War, p.93.  
McFarlane, Lancastrian Kings, p.103.  
Kirby, Henry IV, pp.237, 238.

134. Ibid., p.236.

135. Keen, England, p.321: McFarlane, Lancastrian Kings, p.122 : Harriss, Henry V, p.188 : Chichele, p.xxxi.

Prince Henry was granted licence to send ambassadors to treat for a marriage with one of Burgundy's daughters on 1 September 1411. F.,O., viii, 698, 699.

136. F.O, ix, 142 : Myers, A.R., English Historical Documents (London, 1969), no.98: Keen, England, p.321: Eulogium, p.418 : Kirby, Henry IV, p.237.

137. The canon of Moray, John Busby, received expenses at the exchequer audit of July 1410, for an embassy to France. Around the same time, a French nuncio visited the Scottish court. E.R., iv, 133.

Sometime between July 1410 and June 1412, a three-man embassy was dispatched to the King of France and the Roman curia. This same embassy had safe-conducts to pass through England in May 1412.



E.R., iv, 163 : Rot. Scot., ii, 200 : F.O., viii, 735.

138. F.O., viii, 705.
139. Ibid., 705 : Kirby, Henry IV, p.237.
140. McFarlane, Lancastrian Kings, pp.108-9 : Emden, Oxford, p.140: McNiven, 'Henry IV's Health', p.755.
141. Wylie, Henry IV, iv, p.51 : Kirby, Henry IV, p.242.
142. Storey, Thomas Langley, p.29: Kirby, Henry IV, p.241: McFarlane, Lancastrian Kings, pp.93,109.
143. Griffith Glendower and another Welsh prisoner held with James under the guard of Lord Grey at Nottingham, were delivered to the Tower in March 1411. No mention is made of James. C.C.R., iv, 148.
144. See above n.141. Arundel was at Maidstone on 11 and 14 January.
145. S.R.O. S.P. 13/12. Fragment of a register of letters of James I, all written on one leaf and probably representing a draft.

There has been much debate amongst Scottish historians as to the year date. Balfour-Melville argues convincingly for 1412, although he includes two basic misconceptions regarding John Lyon and a letter written by Humphrey of Gloucester from Southampton in his deductions. However, in his letters James refers to his discussions with the English king and, thus, the coincidences arising from Henry IV's visit to James and the itinery of Lyon, who returned to England from Scotland in May 1412, do offer convincing evidence for a date of 1412. Balfour-Melville, 'Five Letters', pp.28-33: Rot.Scot., ii, 200.

In contrast, Fraser gives a date of 1416, when it is known that James was in the Tower. Fraser, Menteith, i, p.284: P.R.O. E.101/697/3 : C.D.S., iv, 874, 877.

The five letters are addressed to the following :-  
 1) The Governor Albany. 2) The earls of Douglas and March, and the lord of Dalkeith. 3) The lords Graham, Erskine, and Montgomery of Ardrossan. 4) Pluribus X - i.e. ten more. 5) ij.-i.e. to two others.

This gives a total of nineteen addressees, but with only seven named. The anonymous recipients most probably included the earl of Orkney and his brother, John Sinclair, and the lord of Lorne, all of whom had been involved in negotiations for James' release on previous occasions. John Forrester, as deputy chamberlain and an influential councillor, was another likely recipient. Other Scottish nobles named in the safe-conducts issued at the petition of King James in May 1412, include Alexander Ogilvy, the sheriff of Angus, Sir John Wemyss, William Douglas of Drumlanrig, Robert Erskine, and Alexander Haliburton. It is probable that other senior magnates were lobbied by James, inviting the possibility that the earls of Atholl and Crawford also received letters. Aside from the bishop of Brechin, the only other churchman named in the May 1412 safe-conducts was the abbot of Melrose, who travelled to England in February the same year, ostensibly on pilgrimage to Canterbury but he may have put his visit to other use. Rot.Scot., ii, 200.

If churchmen were indeed targeted by James, then other possible addressees include the bishop of Glasgow and members of his family, all later closely involved in negotiations for James' deliverance; and perhaps also the abbot of Balmerino who, as collector of papal revenues in Scotland, had an important link with the curia. The abbot was later to become the conservator of the grant made by Pope Benedict for the liberation of King James and his cousin Murdach. St Andrews Copiale, pp.241-2, no.10

146. Letters 2) and 5) refer to Henry's favourable attitude towards James' liberation.
147. Chron. Pluscarden, ii, p.262. This entry refers to Henry IV's last will, which has not survived. Kirby, Henry IV, p.222.



148. Kirby, Henry IV, p.251.

149. Balfour-Melville, Edward III and David II, p. 16.

150. The Scottish king orders his subjects to 'make execution for our deliverance efter the ordinans of our consale generale'.

151. 'Of these letter we have had no reply'. S.R.O. S.P. 13/12, no.1.

152. S.R.O. S.P. 13/12 Letters 2) and 5), addressed to the earls of March and Douglas, the lord of Dalkeith, and two others.

Other retainers and servants associated with the Scottish king received payment from the Scottish Exchequer for their efforts on behalf of James. E.g. Sir Robert Maxwell of Calderwood, Sir William Cockburn, William Gifford esq., and Dougall Drummond, chaplain. E.R., iv, 198, 211, 223, 238, 252, 277, 328, 339, 346, 347.

153. Ibid. Letters 3) and 4), directed to Graham Erskine, Montomery of Ardrossan, and ten others.

154. Chronicles of the Frasers, ed. W. Mackay, S.H.S. no.47 (1905), p.95.

The official stance taken by Albany does not, of course, preclude the possibility that the governor harboured a personal desire to see his nephew's captivity endure for as long as possible.

155. Safe-conduct for Lyon dated 18 May 1412. Rot.Scot., ii, 200.

General-Council held at Perth towards the end of May 1412. Panmure Registrum, ii, 187-8.

In letter 3), to Graham et al, James indicates that Lyon had instructions to inform the Scottish lords of what the Scottish king meant by his other 'remede'. Obviously this was deemed to be too controversial to be committed to writing.

156. Rot.Scot., ii, 200 : F.,O., vii, 734.



In C.D.S., iv, 872, this same embassy is noted as being granted safe-conducts at the petition of King James. Bain assigns this undated document to the period 1413-1415, but must surely be the same as that issued in May 1412. As noted by Balfour-Melville, at least five of the thirteen ambassadors - Graham, Erskine, Montgomery, James Douglas, and Dunbar - were recipients of the Scottish king's January 1412 letters. Balfour-Melville, 'Five Letters', p.32, n.4.

Balfour-Melville questions whether this embassy set out and refers to the fact that Bishop Forrester was still at Perth on 12 June, presiding over the exchequer audit. Ibid. p.32: E.R., iv, 160. However, the bishop must have travelled to England sometime during the following year, for he is next mentioned in the English records as returning from England to Scotland in April 1413, following negotiations on behalf of King James. Rot.Scot., ii, 204 : F.,O., ix, 5.

157. F.,O., viii, 737.

158. Rot.Scot., ii, 200 : F.,O., viii, 735.

159. F.,O., viii, 737. The truce was between the 'realm of England' and the 'land of Scotland'.

160. Ibid, 736. The 1412-1418 truce was careful to stipulate that no prisoner captured before 1410 was to be liberated. This, of course, excluded two of King Henry's most important captives.

161. While the Burgundian commissioners were in London in February 1412, the bishop of Durham was conducting negotiations with representatives of the Armagnacs. Storey, Thomas Langley, p.29: F.,O., viii, 715-6, 721.

162. F.,O., viii, 728.

163. Ibid, 715-6, 728.

164. McFarlane, Lancastrian Kings, p.109 : Wylie, Henry IV, iv, 52, 100 : F.,O., viii, 733, 745, 749, 750, 757.

165. The treaty with England was renounced by the Armagnacs on 27 July, with the formal reconciliation being done at Auxerre on 22 August. Ordonnances, x, p.18.
166. C.D.S., iv, 834: Chron.Bower, (Watt), viii, 83.
- For Duke John's gift of a tapestry to Albany, see Les Ecossais en France, par Francisque-Michel, (London, 1862), i, pp.113, 114 : Beaucourt, i, p.306 n.5.
167. The Scottish court received French ambassadors sometime during the exchequer year of June 1412 - July 1413. E.R., iv, 189. This may well have been preceded by Scottish representation at the French court.
168. Kirby, Henry IV, p.245 : McFarlane, Lancastrian Kings, p.112 : Keen, England, p.321-2.
169. Rot.Scot., ii, 202. The safe-conducts were valid until Easter 1413.
170. C.D.S., iv, 833.
171. Rot.Scot., ii, 204 : F.,O., ix, 5.
172. Charters dated 30 November 1412.  
H.M.C, vii, Part II, p. 727 : Fraser, W., The Scotts of Buccleuch, (Edinburgh, 1878), ii, p.22, no. 23.
173. James confirmed the lands of Drumlanrig, Hawick and Selkirk to Sir William Douglas of Drumlanrig. On the same day his brother Archibald received confirmation of the lands of Cavers, as per the grant made by Isabella Douglas, countess of Mar.
- Sir William Douglas received his safe-conduct to England on 20 June 1412, ostensibly for the purpose of feats of arms. C.D.S., iv, 828.
174. For the background to these disputed lands, see Boardman, Early Stewart Kings, pp.288-9.  
Given the fact that the brothers took such an early opportunity to enlist the support of the captive king, it is probable that Albany did not support

the efforts of either William or Archibald with regard to these lands.

In the charter to Archibald Douglas, the sealing clause betrays the king's hope that his release was inevitable, if not imminent :- 'wrait with our awne propre hand under the signett used in seilling of our letteris as now---' and to be 'sellit with our Great Seale in tyme to cum'. H.M.C., viii, Part II, p.727.

175. Rot.Scot., ii, 202 : F.,O., viii, 775.

176. McFarlane, Lancastrian Kings, pp.103, 110-1, 112.: Kirby, Henry IV, pp.245,247.

177. Neville, 'Marches', p.19.

178. By February 1413, policy decisions were being taken with the assent of the prince of Wales. Kirby, Henry IV, p.247.

As regards the plan to effect the prince's early accession, see :- McFarlane, Lancastrian Kings, p.93: Myers, English Documents, p.205 n.99.

179. The Constable of Tower was ordered to receive King James, Murdach, William Douglas of Dalkeith, and William Gifford, on 21 March 1413. C.D.S., iv, 837 : F.,O., ix, 2.

However, expenses for the royal prisoner and those in his company, date from 23 March. P.R.O. E. 406. 21/21.

180. C.D.S., iv, 839: F.,O., ix, 5. See also n. 189, below.

181. P.R.O. E.101. 406. 21/22. Henry V was crowned at Westminster on 10 April. James was transferred from the Tower to Westminster uno die coronatione domini Regis.

182. A.F.Sutton & P.W.Hammond, edd., The Coronation of Richard III (Gloucester, 1983), pp.27-46.

English chroniclers give a detailed account of the coronation of King Henry. Elmham, Thomas, Vita et



- Gesta Henrici Quinti, (Oxford, 1727), pp.16-23 : Hall's Chronicle ; Containing the History of England, ed. E. Ellis, (London, 1809), p.46. [ orig. edn. 1548].
183. Balfour-Melville, Edward III and David II, p.15.
184. --- post triduum fidelitatis jusjurandum singuli procures obtulerunt.
- T. Livius. Vita Henrici Quinti, ed. Th. Hearne, (Oxford, 1716), p.5: Elmham's Vita, p.16.: Hall's Chronicle, p.46.
185. Edward Hall was vigorously anti-Scottish and devoted much space in his English history to the right of English monarchs to claim superiority over Scotland and her kings.
186. As noted above, the bishop of Brechin et al probably did not travel to England until the early summer of 1412. The duration of this safe-conduct was for one year, but there is no extant evidence to locate the whereabouts of the bishop until he and his entourage received a safe-conduct to travel from England to Scotland on 16 April 1413. The purpose of their visit was ad communicandum et tractandum nobiscum super De liberatione Regis Scotiae. F.,O., ix, 5.
187. C.D.S., iv, 833 : E.R., iv, 189.
188. C.D.S., iv, 838, 840.
189. On 12 April 1413, Henry V ordered the Constable of the Tower to liberate Gilbert Cavan, John Lyon, and others. C.D.S., iv, 839. Cavan had travelled to England with Carnis in October 1412 and, technically, was still under the protection of his safe-conduct. Rot. Scot., ii, 202.

On 18 May 1412 John Lyon was granted an open-ended safe-conduct to travel to England until the liberation of his royal master. Rot., Scot., ii, 200. Obviously, Henry V did not consider himself under any obligation to honour the safe-conducts granted by his father.

190. Neville, 'Marches', p.19.
191. Chrimes, 'John of Lancaster', p.11: P.P.C., ii, 125-6.  
In December 1413, Cumberland, Westmorland, Newcastle, the castles of Berwick, Alnwick and Warkworth, were released from all taxes due to the 'sudden invasions of the Scots'. C.D.S., iv, 856.
192. Returned from France 19 August 1413.  
Rot.Scot., ii, 205 : F.,O., ix, 6.
193. Vaughan, John the Fearless, p.260: St Andrews Copiale, pp.238-40.
194. Ibid., p.400.
195. Treaty dated 11 April 1413. Vaughan, John the Fearless, p.260.
196. St Andrews Copiale, pp.238-40.  
26 August 1413. Safe-conduct for earl of Douglas to go to France and Flanders, thence to England and the king's presence, before returning to Flanders or France. The trip abroad and audience with the English king probably related to the earl's ransom. Signet Letters, no. 762: Rot.Scot., ii, 205: F.,O., ix, 48.
197. In May 1413, 'a certain baron, two knights, and two clerics' were granted permission to come to the presence of King Henry for 'certain causes'. It is possible that this safe-conduct relates to secret negotiations on behalf of the captive Scottish king. F.,O., ix, 14.  
In July the same year, Sir John Sinclair, Sir William Cockburn, Adam Cockburn, Alexander and John Hogge, and James Patrickson, were issued safe-conducts to come to England and treat with Henry V regarding King James. This endeavour appears to have had the official approval of the Scottish Council, as Sir William was paid for his efforts. Rot.Scot., ii, 207 : F.,O., ix, 40. : E.R., iv, 198.

As regards the truce, English commissioners were authorised to treat with the deputies of the

governor of the land of Scotland. Rot.Scot, ii, 206-7 : F.,O., ix, 40-1.

198. F.,O., ix, 45 : C.D.S., iv, 848;v, 942.

199. Rot.Scot., ii, 207 : F.,O., ix, 48. Safe-conducts were dated 1 September 1413, and were to last until 2 February 1414. However, the bishop was back in Scotland by December 1413, when he witnessed a charter by the governor at Doune. R.M.S., i, no. 944.

200. Rot.Scot., ii, 208 : F.,O., ix, 48.

On 3 August 1413, the warden of the Tower was instructed to deliver the King of Scotland and Murdach to the Constable of Windsor Castle. C.D.S., iv, 847 : C.C.R., i, 29 : F.,O., ix, 44.

201. Rot.Scot, ii, 207 : F.,O., ix, 71. During the exhequer audit period of 1413 - 1414, Maxwell and Lany were paid twice for their efforts to liberate James. E.R., iv, 211.

Sir Robert Maxwell of Calderwood was paid an annuity from the customs of Dundee for his homage and service to King James, which ceased on his death in 1421. Ibid., 291, 339. He was frequently employed on embassies to England to discuss the return of King James and Murdach, and was often a witness to the charters of the governor.

202. Rot.Scot., ii, 209 : F.,O., ix, 125.

Drumlanrig returned to Scotland in February the following year. Rot.Scot., ii, 209.

203. Ibid., 209, 210, 211: F.,O., ix, 125: E.R., iv, 211.

204. Petition dated 28 August 1413. C.P.L., Benedict, pp.276-277, 278.

According to Bower, the pope granted the petition ad instanciam domini Jacobi primi regis Scotorum in Anglia tunc detenti. Chron.Bower, (Watt), viii, p.185, n. 16.



Interestingly, the bishop of Brechin, recently in England on James' behalf, was one of the three conservators of privileges appointed for the new university. Watt, Graduates, p.198.

205. Embassy dispatched 8 April 1414, and comprised John of Austria, M.A. and Professor of Theology, and Master John Gray, the special envoy of Charles VI of France. St Andrews Copiale, p.243 : C.P.L., Benedict, p.308 : Finke, H., Acta Constanciensis : 1410-1414, (1896), i, p.349. Safe-conducts for the embassy are dated August 1414. Rot.Scot., ii, 209-211 : Signet Letters, no. 781.
  
206. The letter spoke of sympathy for the plight of King James, but was really concerned with encouraging attendance at the Council of Constance, due to begin in November 1414. The University also wrote to the governor, bishop of Brechin, bishop of the Isles, earl of Douglas, earl of March, Sir James Douglas, and Alexander Foulerton; the latter was to become the Keeper of King James' Privy Seal during his captivity. St Andrews Copiale, pp.243-8, 400: Balfour-Melville, James I, p.60 : C.S.S.R., i, pp.300-1.
  
207. St. Andrews Copiale, pp.241-2.  
For the expectation that King James' deliverance was in prospect, see Gesta Henrici Quinti : The Deeds of Henry V, Trans. by F.Taylor and J.S. Roskell, (Oxford,1975), p.82.
  
208. Murray, Acta, R.G. 143.
  
209. Rot.Scot., ii, 206-7: F.,O., ix, 40-1. Albany referred to as 'governor of the land of Scotland', implicitly denying his authority to act on behalf of King James during his enforced absence.
  
210. The English commissioners assigned to treat with the Scots during the first year of Henry V's reign, were mainly deputies of the March wardens. No high-level ambassadors or experienced jurists appear to have been involved, in contrast to the reign of Henry IV.
  
211. F.,O., ix, 35, 38-8, 51-5. : Keen, England, p.356 : Vaughan, John the Fearless, p.263 : Curry, Hundred

Years War, p.96 : Harriss, G.L., 'Financial Policy' in Henry V: The Practice of Kingship, p. 188.

212. F.,O., ix, 103. : Keen, England, p.355 : Storey, Thomas Langley, p.31: Vaughan, John the Fearless, p.254: Collection Generale Des Documents Francais; qui se trouvent en Angleterre ed. J.Delpit (1971, facsimile), p. 216.

213. Palmer, 'The War Aims', pp.66-7: Vaughan, John the Fearless, p.248 : Keen, England, p.356.

By this agreement, the duke of Burgundy agreed to 'recover and obtain' what was Henry V's as per the Treaty of Bretigny - i.e. the duchy of Aquitaine.

214. Vaughan, John the Fearless, p.253.

There is no direct evidence that the Scots had a hand in bringing the two French factions together, but it should be noted that John Gray, the special envoy of Charles VI, was in Scotland early in 1414. He may well have returned to France with representations from the Scottish government urging reconciliation. Rot.Scot., ii, 209.

215. Safe-conduct dated 20 July 1414. Rot.Scot., ii, 211. The two envoys were paid for their efforts on behalf of King James at the 1415 exchequer audit. E.R., iv, 223, 238.

216. Maxwell was a witness to charter by the governor at Renfrew on 28 September 1414. He may have returned before this time. Murray, Acta, R.G. 148.

For Henry V's disinclination to liberate James prior to his planned invasion of France, see Balfour-Melville, James I, p.60 : Storey, Thomas Langley, p. 149.

217. Chronicon Ade de Usk, ed. E.M. Thomson (London, 1904), p. 305.

C.D.S., iv, 856; v, 946: Storey, Langley's Register, ii, 99.

218. Rot.Scot., ii, 212 : F.,O., ix, 194.

219. Rot.Scot., ii, 213 : F.,O., ix, 244 : Fraser, Menteith, ii, pp.254-5 .
220. F.,O., ix, 240-1: Rot.Scot.,ii, 213: E.R., iv, 224.
221. C.D.S., iv, 859 .
222. Ibid., 863. In July 1415, the earl of Westmorland was instructed to inquire by a Yorkshire jury into the circumstances surrounding Murdach's abduction.
223. Balfour-Melville, 'Later Captivity', p. 91 : Gesta, pp. 188-190: Rot.Scot, ii, 213.
224. F.,O., ix, 264 - unlikely to have been confirmed by the Scots.  
Chron.Bower, (Watt), viii, pp.83-5. The English responded to the actions of Douglas by burning the town of Dumfries.
225. A record of the battle eludes Scottish chroniclers, but is mentioned in some detail by Hardyng and by the early sixteenth century writer, Robert Redman. Balfour-Melville, 'Later Captivity', p.92: Bradley, 'Henry V', p. 184 : Memorials of Henry V, King of England, (Rolls Series, 1858), p.37. Apparently the battle took place in July, when the Scots were defeated by Sir Robert Umfraville, leaving 60 dead and 360 captured.  
E.R., iv, 238. French ambassadors met with the governor and the council during the exchequer audit of June 1415.
226. Memorials of Henry V, p.28 : Balfour-Melville, James I, p.59 : Storey, Thomas Langley, p.149.
227. Palmer, 'War Aims', p.68.
228. Neville, 'Marches', p.19:  
F.,O., ix, 302-3: Rot.Scot., ii, 214.
229. Keen, England, p.359. St. Crispin's Day was on 25 October. The French suffered very heavy casualties and a great number of French noblemen, including the dukes of Orleans and Bourbon, the counts of Vendome, Eu and Richemont, were captured.



230. Gesta, p.103. The author was present and gives a detailed account of the spectacle.
231. On 11 December 1415, the English commissioners were authorised to treat for the mutual swap of Murdach and Percy. Rot.Scot., ii, 215 : C.D.S., v, 952, where date is given as 10 December.
232. C.D.S., iv, 871: P.P.C., ii, 186-7.
233. C.D.S., iv, 873 : C.C.R., i, 299.
234. The last entry for the joint care of the two royal cousins was in December 1414. P.R.O. E. 28/30: C.D.S., v, 943. Murdach was in the Tower at the time of his handover, but James had been transferred to the custody of John Pelham, keeper of Pevensey Castle in February 1415. This arrangement was intended to endure for 2 years, but by January 1416 James was back in the Tower. C.D.S., iv, 859, 869, 874, 877: P.R.O. E. 101/697/3.
235. Lyon's safe-conduct was dated 20 January 1416, and was valid until April. Rot.Scot., ii, 215.
236. Rot.Scot., ii, 217 : F.O., ix, 341 : Balmerino Liber, p.iv. A General-Council had been held at Perth one month earlier. Duncan, 'Councils General', p.143.
237. It is interesting to note that Richard Holme, an experienced jurist, was included in the December 1415 embassy for what should have been straightforward negotiations for the exchange of Murdach. It is possible that Holme was given verbal instructions to introduce the subject of English suzerainty. King James' chaplain, travelling north in January 1416, would have intimated the wishes of the Scottish king in this matter.
238. Transumpt dated 17 March 1416. A.P.S., i, 587 : Glasgow Registrum, ii, p.307 .

At a parliament on 1 March 1328, Edward III issued his renunciation in the form of letters-patent. This disclaimer was included in the Treaty of Edinburgh on 17 March 1328, which was ratified by

the English government the following month.  
Barrow, Bruce, pp.256, 257, 258, 260.

239. Bradley, 'Henry V, p.186. The 1416 sovereignty claim is not discussed by either of James' biographers, or by Nicholson in his magnum opus, The Later Middle Ages.

240. Gesta, p.139 : Elmhamis Liber Metricus de Henrico Quinto, p.136.

The Gesta was written some time between November 1416 and July 1417. The author's identity is unknown but he was probably a royal chaplain who had access to diplomatic records. Gesta, pp.xviii-xix.

Thomas Elmham was a Benedictine monk from Canterbury, who penned his work during the first half of the fifteenth century.

241. The opening address is given by the bishop of St Andrews. His seal is appended to the document, which was witnessed by thirteen other senior clerics; viz. the bishops of Glasgow, Moray, Brechin, Candida Casa, Dunblane, Ross and Caithness, the abbots of Dunfermline, Arbroath, Balmerino, Kinloss, Culross and Cambuskenneth.

Endorsed by three notaries in presence of Patrick Houston, canon of Glasgow, Richard Knyth, rector of Conveth church, and sir Walter Ra, rector of Garwald church. A.P.S., i, 587.

242. Glasgow Registrum, ii, p.307.

243. Chron.Bower, (Watt), viii, pp.309-311.

244. According to the author of the Gesta, Henry V's claim in 1416 was supported by the lawful documents listed in the codice recordorum. Gesta, p.139 : Stones, E.L.G., 'The Records of the Great Cause', in S.H.R., xxxv (1956), pp.98-9. See also Chron.Bower, (Watt), viii, p.385, for a discussion regarding the reliability of Bower's account.

245. St Andrews Copiale, p. 261.

246. Truce was dated 13 October 1416, and was to endure until the following February. C.D.S., iv, 876

For the whereabouts of Henry V in the late summer, see N.L.S. Acc. 9769. E.1/1/4.

247. A safe-conduct, dated 8 December, was issued for the bishops of St. Andrews and Glasgow, the earls of Atholl, Crawford, Buchan, Mar and Douglas, the lord of Graham, Murdach, George Dunbar, son of the earl of March, and Sir William Douglas of Drumlanrig. F.,O., ix, 418-9: Rot.Scot., ii, 219.

248. F.,O., ix, pp.377-380.

Sigismund had been in England since May and, while there, had been admitted to the Order of the Garter, an honour which he displayed openly during his subsequent visit to Constance. Ibid., 434: Keen, England, pp.361-2.

249. By October 1416, Burgundy had indicated that he was ready to recognise Henry V's claim to the crown of France and to help him in his pursuit of these claims. F.,O., ix, 394-5.

250. June 1416- English alliance with Archbishop of Cologne renewed; the agreement provided for the service of 200 men, in return for an annual pension. Ibid, 346-50. At the beginning of December, a senior English embassy was sent to receive the homage and fealty of the German princes. ibid, 412. King Henry also had an arrangement with his brother-in-law, the Count Palatine of the Rhine. Ferguson, English Diplomacy, p.71. A confirmation of the alliance with the Portuguese was achieved, but the Portuguese king was far more interested in his African enterprises than the complexities of the Hundred Years War. Goodman, 'England and Iberia', p.90 : F.,O., ix, 419.

N.B. kings and princes of Portugal, Denmark, Holland and Bavaria, were all present at the St. George's Day celebrations in 1416. Ibid, 335-6.

251. F.,O., ix, 417. 8 December 1416. The English commission refers to the return of James to



Scotland, et ipsius ibidem per certum tempus Expectatione, with the arrangements for sufficient hostages if James termino sibi limitato in Angliam reduendi reversus non fuerit --- prout haec in alia in quibusdam Indenturis, inter nos et Jacobum habitis sigillatis, plenius continentur.

252. Chron.Bower, (Watt), viii, pp.309-311.

253. Welles and Aulway were in Scotland sometime before December 1416, when they were amongst the senior Scottish envoys granted safe-conducts to come to the presence of King James. C.D.S., iv, 894. Moreover, Sir Archibald Edmonstone, a member of James' original retinue and bearer of his letters on many previous occasions, was at Edinburgh in March 1417 in the company of the governor and the Earls of Buchan and Douglas. N.L.S. Adv. Ch. B. 52.

For David II, see Duncan, 'David II and Edward III', pp.121, 123.

254. Rot.Scot., ii, 219 : F.,O., ix, 417-8.

255. Dated at London on 8 August, no year date. H.M.C., v, Part I, app. p.655.

In the letter, King James refers to the fact that he has made an agreement with 'the excellent King of England' for his deliverance, and asks for financial help to pay his debts in London and 'for needful dispensss that we man mak on our passage [to Scotland]'. It is quite probable that James sought the aid of other burghs aside from Perth for, as the letter testifies, he already had written to his 'uncle of Albany' on the same subject but with little expectation of success.

Fraser, Menteith, i, p.287 dates the letter to 1411; while Murray, Acta, MG.20 B, assigns it to 1423, presumably to tie in with the other letters written by James to Edinburgh and Cambuskenneth, just prior to his eventual return in 1424. S.R.O. S.P. 13/13-15. However, James' reference to 'our aime of Albany', dates letter to pre 1420. Letters also details the agreement with the King of England for his 'delywerance' and, apart from 1416, there is no other occasion prior to 1420 when

negotiations progressed this far. It is worth noting that sometime during the exchequer year of 1417-1418, the custumars of Edinburgh sent James £30 for his expenses, perhaps in belated response to a request to Edinburgh around the same time. E.R., iv, 309.

256. At Melun in 1420, the earl of Buchan refused to comply with James' exhortation to lay down his arms, stating that the king's authority was compromised while he was a prisoner of the English. See below, n. 306.

257. F.,O., ix, 417.

258. Duncan, 'David II and Edward III', p.132. During the captivity of David II, the Scottish Council consistently refused to negotiate on any terms that would have impinged upon Scottish sovereignty. Note Knighton's assertion that the Scots 'would ransom their king but never subject themselves to the English'. Chronicon Henrici Knighton, ed. J.R. Lumby (Rolls Series, 1889-95), ii, p.69. [ascribed to 1348 by Knighton, but to early 1350's by Duncan] See also A.P.S., i, 493, for response of Scottish parliament to Edward's renewed interference in the succession in March 1364.

259. Rot.Scot., ii, 220: P.P.C., ii, 222. Bishop Lawder was in Glasgow in March 1417. Watt, Graduates, p.333. Buchan was at Edinburgh in March the same year, and at Falkland in April. N.L.S. Adv.Ch. B.52 : Murray, Acta, R.G. 105 B. The earl of Douglas was in Edinburgh at the end of February 1417, and there again in March with Buchan, before making his way to Stirling in April. N.L.S. Adv.MSS. 80, 4, 15, f.65 ; Adv. Ch.B.52. Murdach was with the lord of Graham at Stirling in February, before joining Buchan in Falkland in April. It is unlikely that any of the commissioners or hostages ever left Scotland.

260. Storey, Thomas Langley, p.150: Signet Letters, no. 797 : F.,O., ix, 427-430.

261. In 1359, the Scots informed the French government that renunciation of the Franco-Scottish alliance

- during David's captivity would have expedited his early release. Nicholson, Later Middle Ages, p. 167.
262. Ditcham, 'Employment', p. 5 : Ordonnances, x, 362.
263. Orleans refused to support the claims of the English crown, but, in 1417 Bourbon appears to have offered to negotiate on the basis of the Treaty of Bretigny if the English claim to the French crown was dropped. Another French prisoner, the lord of Gaucourt, was importuned by King Henry to convey Bourbon's offer to the French court. Storey, Thomas Langley, p.33. F.,O., ix, 423, 425, 427-29.
264. Storey, Thomas Langley, p.150 : Chron.Bower, (Watt), viii, p.309. The prior of St. Andrews shared Bower's pessimism, but this must have been some time after July 1417, when he made some provision for the king's ransom. St Andrews Copiale, pp.11, 415.
265. E.R.,iv,238: A.P.S., i, 589 : R.M.S., ii, no.495. There is evidence for French support for the assault on Berwick and Roxburgh later in the year. C.D.S., iv, 884.
266. Commission dated 7 June 1417. Rot.Scot., ii, 222: F.,O., ix, 458.
267. Signet Letters, no. 812: C.D.S., v, 954 : F.,O., ix,307 [misdated to 1415]: Chron.Bower, (Watt), viii, p. 87.
268. C.D.S., iv, 884; v, 954.  
According to Bower, both the governor and Douglas were 'misled by the false behaviour of some of their men'. Albany, however, appears to have regained sufficient control to direct the sack of Norham during the retreat from Berwick. Bradley, 'Henry V', p.189.
269. F.,O., ix, 523-4.
270. C.S.S.R., i, 3, 8, 13-15.
271. Rot.Scot., ii, 222, 223: C.D.S., iv, 882.



From Middleburg in June 1418, Thomas Morow, abbot of Paisley, wrote a letter to the bishop of Durham requesting an audience with the English Council to discuss matters of peace. Morow appears to have been acting on behalf of both King James and Pope Martin. He states that his intention is to be at the curia before September. In July he received a safe-conduct to come to the presence of Bedford, the English Guardian. Ibid., iv, 885; v, 955.

According to Balfour-Melville, James returned to the Tower as soon as he came back from Raby in the spring of 1417. However, the next reference to James in the Tower dates from January 1418.

P.R.O. E.404. 34.260B : Balfour-Melville, 'Later Captivity', p.93.

272. F.,O., ix, 523-4.

273. Ibid, 535, 558, 578-9.

274. Ibid, 552, 566, 601: Rot.Scot., ii, 222 : Storey, Thomas Langley, p.152.

275. C.D.S., iv, 886: Langley's Register, ii, no. 492. However, these incursions were not all one-way. Sir Robert Umfraville spent the two years after the 'Foul Raid' ravaging the East March of Scotland. Bradley, 'Henry V', p.189.

276. F.,O., ix, 527-8: See below, n.279 for Franco-Scottish diplomacy in 1418.

277. Vaughan, John the Fearless, p.368.

278. Ibid, p.368 : Curry, Hundred Years War, p.100.

The Dauphin Charles succeeded his brother, the duke of Touraine, following the latter's death in April 1417. Charles had been acting as president of the French council since June 1417 and, in November, was established as lieutenant-general of Charles VI. Ordonnances, x, pp.416, 424.

279. Beaucourt, i, pp.306-7.

Diplomatic contact made by the bishop of Ross, Andrew Hawick, and Partick Legat. St Andrews

Copiale, p.398 : Vaughan, John the Fearless, p.260: Watt, Graduates, p.258: Ditcham, 'Employment', p.16.

280. Ibid., pp.12, 14-15. In autumn 1418, John Stewart of Darnley was commanding of a company of archers, which acted as personal bodyguard to the Dauphin.

281. Ordonnances, x, p.473.- Unfortunately, the meeting did not achieve the desired reconciliation.

282. Curry, Hundred Years War, p.95: F.,O., ix, 482.

283. In July 1418, the duke of Burgundy intimated to Henry V that he would rather give battle than observe the current truce. Signet Letters, no.968.

Allmand, Normandy, pp.243, 244 : Harriss, Henry V p.21.

284. F.,O., ix, 627.

285. Ibid, 717.

286. Ibid, 776-9, 783.

287. According to Beaucourt, the Dauphin sent an embassy to Albany at the end of 1418, and the Scots reciprocated in the following January with a promise of military support. Beaucourt, i, 307-8, 309. By the end of April 1419, the Dauphin was busy trying to arrange for the services of the Castilian navy to transport Scottish troops.

In March 1419, Burgundy sent three representatives to Scotland and, the following month, the bishop of Orkney, the earl of Mar's secretary, and other Scots, were enjoying the hospitality of Burgundy's court in Provence while discussing the possibility of military aid from Scotland. On 11 May, Burgundy made payment to a Scottish esquire, lately sent by the governor to his court. ibid, p.310.

288. Rot.Scot., ii, 224.

289. C.D.S., iv, 892: Chron.Bower, (Watt), viii, p.113. Wark was taken by William Haliburton, but recaptured by Sir Robert Ogle soon after.

290. On 24 July 1419, a reward was issued to the earl of Westmorland for taking William Douglas prisoner on the West March. Douglas was sent to the Tower the following month. C.D.S., iv, 892.
291. Chron.Bower, (Watt), viii, p.113.  
Evidence for the preparations to receive the Scots in France all date from July and August, although the Dauphin's agreement with Castile to supply 40 ships to transport the Scottish forces was made at the end of June. Buchan and his company did not arrive in France until late October. Beaucourt, i, 310, 311 : C.D.S., v, 956 : F.O., ix, 783-4, 793: Ditcham, 'Employment', pp.17-18.
292. Palmer, 'War Aims', pp.52, 66, 69: Keen, England, p.373.
293. F.O., ix, 816-7, 825-6.  
Wylie, Henry IV, iii, pp.187, 373.
294. F.O., ix, 791: Beaucourt, i, p.320.  
For alternative assessments re. numbers see, Chron.Bower, (Watt), viii, 113: Ditcham, 'Employment', pp.16-17, 46.
295. F.O., ix, 895-905.
296. Keen, England, p.374 : Curry, Hundred Years War, p.132 : Ferguson, English Diplomacy, p.4-5.
297. P.R.O. E. 404. 34/260 B : Rot.Scot., ii, 222 : C.D.S., iv, 883, 886 : Signet Letters, no. 881.
298. On 24 May 1418, James was transferred from London to Kenilworth, refurbished by Henry V in 1414 and noted as a 'most pleasant place'. Balfour-Melville, 'Later Captivity', p.93 : Grandsen, A., Historical Writing in England, ii, c. 1307- Early Sixteenth Century, pp.405-6.
299. The document is clearly dated 11 April a.r. 7 [1419]. P.R.O. E.404.36/273.

However, another similar document is extant and gives a date of 11 April 1420. C.D.S., v, 957.



300. 13 May 1419 and 27 May 1419. C.D.S., iv, 892 : P.R.O. E. 404. 35/120.
301. P.R.O. E. 404.35/269 : C.D.S., iv, 895, 898. The Queen had been accused of necromancy and kept in close custody from October 1419. Myers, A.R., 'The Captivity of a Royal Witch : The Household Accounts of Queen Joan of Navarre, 1419-1421', in B.J.R.L., xxiv (1940), pp.263-284.
302. Nat. MSS. of England, part 1, no.36.

Dated 14 May at Southampton, and assigned the year 1412 by James' biographers. Balfour-Melville, James I, p.49; Brown, M., James I, p.35 & n. 68. However, a later date of 1420 is evidenced by :-

- a) The reference to Bedford, who was not created earl until 1414.
- b) Reference to the widowhood of the 'barbid' Duchess of York. The duke died c. October 1415.
- c) Addressed to Henry V in Normandy. Note reference to Bedford coming over with more troops. Bedford resigned his commission as Guardian at the end of December 1419 to begin preparations for his passage to France. His brother, Humphrey of Gloucester, was left behind as Guardian. D.N.B., x, p.865.
- d) Reference to the 'Grace Dieu' ties down the date of the letter to 1420. Building began in 1416, but the ship was not commissioned until the end of 1418, when it was moved from Southampton to Humble, presumably for further outfitting. Traditionally regarded as a white elephant, but Gloucester's description of the vessel as the 'fairest that ever man saugh', refutes this. In addition, conclusive evidence has been uncovered by Rose proving that the ship's first active service was in 1420, under the command of the earl of Devon who is cited in the letter as having 'maad his monstre [muster] in her'. The tradition that the ship was unseaworthy and never set sail, may well derive from the fact that her maiden voyage was interrupted by a mutiny. Rose, S., 'Henry V's Grace Dieu and Mutiny at Sea : Some New Evidence', in Mariners Mirror, 63 (1977), pp.3-6. See also, Prynn, M.W., 'Henry V's Grace Dieu'. in Mariners Mirror, 54 (1968), pp.115-128.
- e) Perhaps the opening address to 'my sovereign Lord and fader' led historians to suppose that

Gloucester was writing to Henry IV, and not his successor. However, clearly this was only a literary stylisation and not confirmation of paternity.

- f) Gloucester's appraisal of King James' state of mind as being 'as glad as any man can be as fer he shewith', suggests that James was not overly enthusiastic about Henry's demand to serve him in France. It is notable that James was at Southampton with Gloucester when the letter was written. C.D.S., iv, 898.
- g) Finally, Gloucester's statement that he would 'send all thise ladies, as you have commandid me', relates to the preparations for Henry's wedding to Katherine at Troyes on 2 June 1420.

303. Duncan, Kingdom, p.225: Barrow, Robert Bruce, p.62: Duncan, 'David II and Edward III', p.117.

304. For other prisoners, including the count of Richemont, who served in France see:-  
P.R.O. C.47/2/49/ 9-10. Chronique d'Arthur de Richemont, Connetable de France, Duc de Bretagne. (1393-1458), par Guillaume Gruel, (Paris,1890), pp.20-1.

The detailed instructions regarding the outfitting of James for foreign service included provision for the Scottish Royal Arms to be displayed on his military apparel and equipment. P.R.O. E.101. 407/1: C.D.S., iv, 898.

305. Balfour-Melville, 'Later Captivity', p.95 .

306. Chron. Pluscarden, ii, pp.262-3.

307. Chron.Bower, (Watt), viii, p.123 : F.,O., x, 29.

308. Ditcham, 'Employment', pp.20, 46.

309. Ibid, p.20 : Balfour-Melville, James I, p.82: F.,O., ix, 885.

310. Rot.Scot., ii, 226 : C.D.S., iv, 896.

311. Chron.Bower, (Watt), viii, p.117. See editor's notes on p.201, for possibility that the incident did not occur in 1420.

312. Chron.Bower, (Watt), viii, p.117.
313. Ibid, p.133 - but gives wrong year.
314. Ibid., pp.133-135: Chron. Wyntoun, vi, pp.417-9.
315. S.R.O. R.H. Inv. 6/2/252.
316. There is no extant documentation for the proceedings of the General-Council that appointed Murdach as governor. However, his commission is likely to have mirrored that which was offered to his father.
317. Agreement dated at Rouen, 17 September 1420. St Andrews Copiale, pp.271-2, no.22. This was a confirmation of an earlier agreement made in February the same year. Balfour-Melville, 'Later Captivity', p. 94: Balfour-Melville, James I, p.52.
318. Rot.Scot., ii, 226. Drummond had been in Scotland since November 1419. ibid, 225. His visit was authorised by a deliverance of the General-Council. E.R., iv, 339, 344, 346-7.
319. Rot.Scot., ii, 226. Safe-conduct issued on 13 October 1420.
320. 'The Order of Guests at the Coronation of Catherine of Valois', in Early English Text Society [E.E.T.S.], Extra Series, viii (1869), p.89. 'On the left hand of the Queen, the King of Scottes yn A State'.
- King James was knighted on St. Georges' Day. Bradley, 'Henry V', p.192: Brown, M., James I, p.23.
321. C.D.S., iv, 900: Bradley, 'Henry V', p.192.
322. Keen, England, p.376: Ditcham, 'Employment', p.25. Buchan was then appointed Constable of France on 5 April 1421. Beaucourt, i, p.222.
323. Rot.Scot., ii, 228 : Storey, Thomas Langley, p.43.



324. Rot.Scot., ii, 228. The earl of Atholl may also have attended the discussions as, though he is not mentioned in the actual safe-conduct, he is referred to in the heading.
325. Ibid., 228. Their safe-conduct was for the return journey from England.
326. F.,O., x, 123-4.
327. Ibid., 125.
328. The Scottish council were already obliged to the French cause. Even during the final round of negotiations for James' return in 1423-4, the Scots obstinately refused to renege on their commitment to France. It is unlikely, therefore, that the obligation of Douglas to serve the English in France had much support back home.
329. C.D.S., iv, 906.
330. S.R.O., N.R.A. 237. B. 29/1.
331. C.P.R., Letters, vii, 68-9: C.S.S.R., i, 278.

Ibid., 278, n.3 - The editors conclude that this friction was occasioned by a dispute between the Hays and Borthwicks, both of whom looked to the earl of Douglas as their lord superior. In addition, a dispute seems to have arisen between the earl and Sir William Crawford, his deputy keeper at Edinburgh Castle in 1416. Chron. Bower, (Watt), viii, pp.87, 190, n. 13-15.

As regards his financial problems, see E.R., iv, ad indicem for pilfering from the exchequer by the earl and his men, and also:-

Ditcham, 'Employment', pp.177-8: Watt, Graduates, p.84: Brown,M., 'Crown Magnate Relations', pp.21-2.

332. Brown, M., James I, p.23.
333. C.D.S., iv, 910.
334. Signet Letters, no. 977 : Monstrelet, iv, p.25-26.
335. Signet Letters, no. 977.

336. C.D.S., iv, 918. Apart from Meryng, the guard included four esquires, two valets and ten archers.
337. Hall's Chronicle, p.107.
338. Balfour-Melville, 'Later Captivity', p.96: Rot.Scot., ii, 230
339. That James spent some time at Rouen during the siege of Meaux is evidenced by payments to his bodyguard. C.D.S., iv, 918. According to Bower the siege lasted three months, during which time the English king suffered heavy losses. Chron.Bower, (Watt), viii, p.123.
340. Thomas Walsingham, Historia Anglicana, ed. H.T.Riley (London, 1864), ii, p.343.
341. Rot.Scot., ii, 230, 231, 232 : C.D.S., iv, 915.
342. Brown, M., James I, p.24.
343. Rot.Scot., ii, 232 : C.D.S., iv, 915.
344. S.R.O. Airlie Muniments GD. 16/24/3.  
Mar had served in Burgundy's army at Liège. He maintained contact with Duke John via his secretary, Richard Langlands, who was at John's court in c. April 1419. Beaucourt, i, 310. After Pouilly and the decision by the General-Council to support the Dauphin, Mar was in correspondence with Charles, receiving a second letter from him in December 1419. Ditcham, 'Employment', p.20.
345. The Frasers of Philorth, p.125.
346. Safe-conduct dated from 18 July to 1 November 1422. Foulis was to come before the King's Council 'wherever it should be'. Rot. Scot., ii, 233.
347. Storey, Langley's Register, ii, p.197.
348. Life of Henry V, ed. C.L. Kingsford (London, 1911), p.185 : Hall's Chronicle, p. 119.
349. Rot.Scot., ii, 234 : C.D.S., iv, 919.

350. Rot.Scot., ii, 234.
351. Rot.Parl., iv, 174. For a detailed account of the constitutional arrangement of autumn 1422, see Keen, England, pp.381-2, 409-411.
352. Brown, M., 'Crown Magnate Relations', p.14. An embassy from the Dauphin was sent to Scotland in August 1422.
353. Allmand, Normandy, pp.242-4.
354. Rot.Scot., ii, 234.  
James was at Westminster for most of February and must have left for the north sometime towards the end of that month. P.R.O. E. 101. 407/19 : E.404. 39/246 : C.D.S., v, 967.
355. Rot.Scot., ii, 234, 235 : F.,O., x, 266-7 : C.D.S., iv, 922. All dated 21 February 1423.
356. The first safe-conduct specifically stipulated that Drummond was to be included in the entourage of the bishop of Glasgow. Rot.Scot., ii, 236: F.,O., x, 286.  
The second safe-conduct was dated six days later and authorised the abbots of Arbroath, Balmerino, and Cambuskenneth, the lord of Gordon, Walter Ogilvy, the lord of Forbes, the lord of Abercorn, Sir John Wemyss, and William of Ruthven, to come to Pontefract. C.D.S., iv, 927.
357. Brown, M., James I, p.26.
358. Chron.Bower, (Watt), viii, p.135.
359. Brown, M., James I, p. 43, gives an account of James' attempt to introduce greater political balance between the earls of Douglas, March, and Angus. This signalled an end to the hegemony of Earl Archibald on the Marches. In pursuit of this plan, James cultivated contact with the Dunbars, which Brown dates to the period 1423-4. However, in all probability, this contact began much earlier, as witnessed by the king's supplication to Pope Martin on behalf of Columba Dunbar, a son of the Earl of March, in May 1419. C.S.S.R., i, 36-7.



360. Brown, M., James I, pp.24-31.
361. Hectoris Boetii Murthlacensium et Aberdonensium Episcoporum Vitae (New Spalding Club, 1894), p.33.  
[Reference from Brown, M., James I, p.28]
362. English commission was dated 6 July, and was led by the bishops of Durham and Worcester. C.D.S., iv, 929 : P.P.C., iii, 111: F.,O., x, 294-5. The bishop of Worcester was paid £40 for his efforts at Pontefract. P.R.O. E.404. 39/337.
363. F.,O., x, 298-9. Dated at Inverkeithing, 19 August 1423. The bishop of Glasgow, now chancellor, earl of March, James Douglas of Balveny, abbots of Cambuskenneth and Balmerino, Patrick Dunbar of Bele, Robert Lawder of Edryngton, Master George Borthwick, archdeacon of Glasgow, and Master Patrick Houston, Lic. in Laws and canon of Glasgow.
364. F.,O., x, 294- 5. Commission of 6 July 1423.
365. Ibid., 294-5.
366. Ibid., 294.
367. Ibid., 299-300.
368. Campbell, J., 'England, Scotland and the Hundred Years War in the Fourteenth Century', in J.Hale et al edd., Europe in the Late Middle Ages (London, 1965), p.200
369. Battle of Cravant took place on 31 July 1423. Most of those killed were Scots. Allmand, Normandy, p.28. Buchan was back in Scotland in May 1423, and concluded arrangements for extra forces by October. Chron.Bower, (Watt), viii, p.206 note 5-7: Watt, Graduates, p.120 : Burns, J.M., Scottish Churchmen and the Council of Basle (Glasgow, 1962), p.48.
370. S.R.O. S.P. 13/13-15. Letters to James from:- 1. Abbot and Convent of Cambuskenneth. 2. Burgh of Stirling. 3. Burgh of Edinburgh.

Cambuskenneth letter undated, but was written in reply to a letter from James delivered by John of Aulway. The abbot of Cambuskenneth was amongst

those appointed by Murdach in August 1423 to treat for the liberation of King James, and his seal was appended to the agreement made at York the following month. F.,O., x, 298-9, 299-300.

The Stirling letter is dated 6 September, one day after they received correspondence from James by the hands of Alexander Foulerton, the king's Keeper of his Privy Seal. The Edinburgh letter is dated 20 September, and is a reply to a request for money by James, delivered by James Douglas, esquire. All three letters congratulate the king on the agreement for his deliverance.

371. S.R.O. S.P.13/15. In refusing James' request, the aldermen and bailies of Edinburgh plead poverty and refer to the 'ordonance of your noble depute the governor of your realm'.

James' ransom was said to be based on a minimum figure of £2,000 p.a. for his expenses during his detention. F.,O., x, 295.

372. For the expenses of James after 1422 see :- C.D.S., iv, 923, 931; v, 967, 970: P.R.O. E.101. 407/19 ; E.404. 39/246, 307, 330; E.404. 40/145 : E.28/41 : P.P.C., iii, 99, 131.

373. Safe-conduct dated 24 November 1423. Rot.Scot., ii, 240.

374. F.,O., x, 301: Rot.Scot., ii, 239: Balmerino Liber, p.iv.

375. S.R.O. Lord Forbes Collection GD. 52/401 ; G.D. 16/3/8.

376. F.,O., x, 310-5 : Rot.Parl., iv, 196.

377. Chron.Pluscarden, ii, 270: Ditcham, 'Employment', p.46: Chron.Bower, (Watt), viii, p.206.

378. 19 April 1423. Chron.Bower, (Watt), viii, pp.127, 207, n.8-10.

379. See Ditcham, 'Employment', p.23, for the lands and titles conferred upon the earls of Buchan and Wigtown, and the lords Darnley and Seton.

Brown, M., James I, p.29. At Stirling on 6 October 1423, Walter agreed to observe the Franco-Scottish alliance and thwart any rapprochement with England. The provision in this agreement, that Charles VII might send military aid to Scotland during this period of political uncertainty, gives added weight to Brown's arguments for the extent of the divisions amongst the Scottish nobility. However, the Pluscarden chronicler questions the likelihood of such a promise ever being taken seriously. Certainly, Walter must have been very naive if he was unaware of the deficiency experienced by Charles in respect of men and money. Chron. Pluscarden, ii, 270.

380. The Franco-Scottish Treaty of 1295 was only a formal confirmation of the mutual support that had been practised for over a century. Barrow, Bruce, p. 63.

381. Chron.Bower, (Watt), viii, pp.287-9.

382. Brown, M., James I, p.30.

383. The bishop of Glasgow and his entourage were granted safe-conducts on 5 February to come to York regarding the liberation of James and other matters. The same safe-conduct made provision for the bishop to come before the council in London, where James then was. F.O., x, 321-22.

384. Ibid., 328- 331. The Scots in France were only to be included in the seven-year truce once they had returned from service in the army of Charles VII.

385. Balfour-Melville, 'Later Captivity', p.95.

Prior to his wedding James had received many contributions towards his nuptials from the English Council acting on behalf of Henry VI. P.R.O. E.404. 40/145, 153 : C.D.S., v, 974, 975 : P.P.C., iii, 131.

The only evidence that the marriage of King James to Joan occasioned any influence over Scottish policy is by the personal audience granted to Cardinal Beaufort at Coldingham in 1429. This



meeting concerned the non-payment of James' ransom and the political implications thereof. The Cardinal's visit was not wholly successful. Nicholson, Later Middle Ages, p.291.

386. Hall's Chronicle, p. 119-20. However, after James had 'taken the ayre and smelled the sent of Scottish soyle, [he] became like his falce fraudulent forfathers'.
387. For the ex gratia payments made to James after the death of Henry V, see above, note 385.

In keeping with his prominent role in the negotiations for his release, James seems to have spent much of his time at Westminster. P.R.O. E.101. 407/19; E.404. 39/246, 330. From these records it is clear that James maintained a moderately-sized staff. He also kept in close contact with Henry V's widow, Katherine, spending Christmas as her guest at Hertford Castle. D.N.B., iii, p.1198. All references to James at this time refer to him as 'our dearest cousin, James King of Scots'.

388. Eg. F.,O., x, 300.
389. P.P.C., iii, 141, para. viii.
390. Nicholson, Later Middle Ages, p.124 : Curry, Hundred Years War, p.141.
391. F.,O., x, 307.
392. Duncan, 'David II and Edward II', pp.119-120.
393. Stevenson, Letters, ii, pp.440-444: F.,O.,x, 322-3.
394. Stevenson, Letters, ii, p.444.
395. Storey, Thomas Langley, p.155 : Fraser, W., The Red Book of Grandtully, (Edinburgh, 1868), i, pp.188-90, no.111. It was probably considered inappropriate that the chancellor, in his role as Keeper of the Great Seal, should cross the Border at this time.
396. Rot.Scot., ii, 244 : Brown, M., James I, pp.41-2. The absence of Murdach was not necessarily due to a

display of political pique. As head of state it was fitting that he should remain on Scottish soil in anticipation of James' arrival and the formal transfer of authority to the king. In contrast, the non-appearance of his son, Walter, was undeniably a very public demonstration of his hostility towards the terms of James' deliverance.

397. Balfour-Melville, 'Later Captivity', p.100.

398. Brown, M., James I, p.42 -44.

399. P.P.C., iii, 140-1.

# CHAPTER IV

## THE BATTLE OF HARLAW AND THE BALANCE OF POWER IN THE NORTH

Whether or not the confrontation that took place in the summer of 1411 between Donald, Lord of the Isles, and Alexander Stewart, earl of Mar, deserves its bloody epithet of 'Red Harlaw', it was undoubtedly a serious challenge to the duke of Albany's governorship. In this respect, a re-examination of the events surrounding the Battle of Harlaw should offer a more practical insight into the principles which underpinned the authority and limitations of Scotland's first governor.

Almost without exception, Harlaw has been portrayed as the culmination of a family feud between the governor and his nephew, Donald MacDonald, over the fate of the earldom of Ross. Thus the battle is viewed as the direct result of the duke's abuse of gubernatorial authority in his assumption of the wardship of Ross, and his implicit repudiation of the claims of Donald's wife, Mariota Leslie, sister of the last earl. However, it is worth questioning the extent to which the Highland policy pursued by the Scottish General-Council after 1406 differed from that of previous governments, and whether the duke of Albany, whatever his personal predilection for power north of the Forth, was caught up in a political momentum that had been initiated much earlier.

Moreover, the prevalence of the pernicious assumption that the fate of Ross was Harlaw's casus belli, because the Lord of the Isles was later to claim title to the earldom, does little to explain the chronology of the events that led up to the battle. Consequently, the most obvious question outstanding is why this confrontation erupted in 1411 and not earlier, when the governor first assumed the wardship of Ross. It therefore follows that Harlaw may not



have been as directly influenced by the fate of Ross as is traditionally opined.

The diverse lands and lordships associated with Ross included the earldom of Buchan, which had been part of the Ross patrimony since early in the fourteenth century. The relevance of Buchan to the battle of Harlaw was first mooted by Mackay,<sup>1</sup> but later largely ignored by historians, despite the rather conspicuous fact that the governor's son, who received the earldom of Buchan in 1406, did not assume his full comital title with any great confidence until after 1411. Thus, an appraisal of the landed interest within Buchan, and of the way in which the ambitions of the successive government agents encroached upon the interests of the Lords of the Isles and other less prominent figures may help to reconcile the chronological anomaly of Harlaw and clarify the motivation behind the battle, as well as its immediate inspiration. However, before exploring these terms of reference, it is instructive to attempt a brief historical definition of the earldom of Ross and its political significance within the context of the Highlands and the Scottish kingdom as a whole.

When Alexander II created Farquhar Mactaggart first earl of Ross as a reward for his aid in suppressing the rebellion of the MacWilliams and the MacHeths in the north, the earldom of Ross was little more than a subdivision of the greater province of Moray, within which it had previously been incorporated.<sup>2</sup> Although initially the new earldom was confined largely to the area between the Beaully and Dornoch firths, it is known that the Mactaggarts already had interests in northern Argyll and Badenoch.<sup>3</sup> This territorial interest to the south and west of Ross, together with the Ross earls' active support for the Highland campaigns of Alexander II and Alexander III, no doubt contributed to the latter's decision to

grant the lordship of Skye, and possibly also Lewis, to Farquhar's son, William, sometime after the Treaty of Perth of 1266.<sup>4</sup> Further recognition of the importance of the loyalty of the Ross earls to the crown was manifest during the brief reign of John Balliol when, by the ordinance of 1293, it was envisaged that Farquhar's grandson, the third earl, would oversee much of the Hebrides, Skye, Kintail and Wester Ross, as the new sheriff of Skye.<sup>5</sup> Whether or not this ambitious plan was ever realised, it is clear that the earls of Ross continued to maintain a not insignificant interest in northern Argyll beyond the turn of the century.<sup>6</sup>

It was, in fact, during the reign of Robert I that the greatest gains were to accrue to the heirs of Farquhar. Though originally a Balliol supporter, Earl William was forced to accept the political and military momentum gathering behind Robert Bruce and come into the king's peace in 1308.<sup>7</sup> Thereafter, Earl William and his son Hugh, who succeeded as fourth earl in 1323, were to become ardent supporters of the Bruce king. Their loyalty was amply repaid with grants that included the burgh and castle of Dingwall, the burgh of Nairn, and lands in Sutherland.<sup>8</sup> Hugh appears to have enjoyed especial favour, with a marriage to the king's sister, Maud, bringing in the lands of Strathglass and the sheriffship of Cromarty.<sup>9</sup>

All these grants greatly augmented the territorial interests of the earls of Ross to the south and north, while, to the west, their control over Skye was confirmed in 1324.<sup>10</sup> It was, however, the dismemberment of the huge Comyn patrimony, particularly the earldom of Buchan, which was to prove the most lucrative to Earl William and his heir.<sup>11</sup>

After the death of John Comyn, earl of Buchan, in 1308, the earldom fell to his two nieces, Alice and Margaret, daughters of the earl's brother, Alexander. Alice married



the English lord, Henry Beaumont, who was to become one of the 'Disinherited', enabling King Robert to bestow favours upon his kinsmen and supporters from the lands of Alice's half of the earldom of Buchan.<sup>12</sup> Although the most substantial portion of these lands went to Sir Robert Keith, the Marischal, and his brother Edward, Hugh of Ross received Comyn lands in Banff, including the thanage of Glendowachy and, probably, the barony of Deskford.<sup>13</sup> The remainder of the forfeited lands in and around Buchan were to be distributed amongst such other notables as Sir Gilbert Hay, the new constable, Sir Alexander Fraser, Archibald Douglas, Sir John Boneville, Sir Walter Barclay and Sir Philip Meldrum.<sup>14</sup> Perhaps of even greater significance to the Ross family was the fact that, in c.1309, Margaret Comyn, the younger niece and co-heiress, married John Ross, Hugh of Ross's brother, and brought with her as tocher the other half of the earldom of Buchan.<sup>15</sup> After the death of John Ross, the lands of the childless Margaret were entailed upon her nephew, William Ross, son and heir of Earl Hugh, who succeeded to the earldom of Ross as fifth earl in 1333. Just before his death at Halidon, Earl Hugh not only conferred the Ross lands of Rarichies upon his younger son, also called Hugh, but in addition a portion of these remaining Buchan lands, thenceforward known collectively as Philorth.<sup>16</sup> The strategically-important castle of Kingedward, together with a prescribed area of land adjoining, were to remain with Earl Hugh for the benefit of his eldest son William.<sup>17</sup> Other lands associated with the extensive Comyn patrimony in Fife, Kincardine and Galloway, also accrued to the Ross earls, ensuring that the territorial authority of Earl Hugh and his successors was unrivalled except by that exercised by the king's nephew and sometime guardian, Thomas Randolph, who had recently received the greatly-augmented earldom of Moray.<sup>18</sup>

In the west, MacDonald support for Bruce at Bannockburn



ensured that Angus Og of Islay and his son John were included in the redistribution of land after 1314, and tradition has it that the Comyn lordships of Badenoch and Lochaber were ceded to Angus by Robert I.<sup>19</sup> However, as pointed out by Grant, these gains were not so great as those which fell to either the Campbells or the Stewarts, and even the consolation offered by Badenoch and Lochaber was diminished somewhat by the fact that the new earl of Moray exercised regalian jurisdiction over both of these lordships.<sup>20</sup> It may have been the perception that these were somehow lesser spoils that led John, now lord of Islay having succeeded his father in the 1320's, to seek his fortune with the English-sponsored stooge, Edward Balliol, during the second War of Independence. In an indenture with Balliol as King of Scots in September 1336, John promised military support for Edward's campaign in return for confirmation of his Hebridean possessions, but more significantly, he was also to receive the island lordships of Skye and Lewis, together with lands in Kintyre and Knapdale, in defiance of the respective interests of the earl of Ross and the Steward.<sup>21</sup> In contrast, the earl of Ross remained loyal to the Scottish cause, and was rewarded for his efforts in ridding the country of its English interlopers with the office of northern justiciar sometime before 1339.<sup>22</sup> With this appointment the earl was expected not only to consolidate his hold over his own patrimony- recently the target of one of the 'Disinherited', Henry Beaumont- but also to act as bulwark against the pretensions of the Lord of the Isles and his brother-in-law, MacRuari of Garmoran.<sup>23</sup>

With much of Scotland free from English intrusion by 1341, King David and his household returned from their base at Château Gaillard, where they had spent the last seven years under the protection of the French king.<sup>24</sup> During his enforced exile the young king had been kept informed of the progress of the Scottish campaign, and it has been

suggested that it was David who had arranged French intervention along the English south coast in 1338.<sup>25</sup> With such insight, it is not surprising that one of the king's first acts upon his return was an attempt to displace the renegade MacDonalds from their lordship by granting much of their lands to the more acquiescent MacIans of Ardnamurchan.<sup>26</sup> The king's attitude towards the earl of Ross at this point was probably equally circumspect, as, in Earl William's campaign to assert his authority over his lands in Ross and northern Argyll, he was driven to come to an understanding with the Lord of the Isles and Reginard MacRuari. This tripartite arrangement was sealed by William's marriage to John's sister Mary in 1342, and the simultaneous grant by the earl of lands in Kintail to the said MacRuari.<sup>27</sup> It is certainly notable that this transaction was not given royal approval until after both MacDonald and MacRuari came into the king's peace in 1343.<sup>28</sup> Implicit within the terms of the king's agreement with the Lord of the Isles was an acknowledgement that his attempt to marginalise John had failed. In return for his 'submission', the Lord of the Isles received confirmation of much that had been contained within his indenture with Balliol, but with the exceptions of Skye, Kintyre and Knapdale, in recognition of the interests of the earl of Ross and the Steward.<sup>29</sup> Indeed, if King David had found earl William's northern strategy unpalatable, he gave no obvious sign of his displeasure. It was presumably with the king's tacit support that the earl was able to deflect a challenge made by John Randolph for his office of northern justiciar in 1344.<sup>30</sup>

The decisive breach between the king and the earl of Ross was to come in 1346, when the earl and his brother-in-law, the Lord of the Isles, failed to attend the general muster which had been called at Perth to prepare for a military initiative against the English. The background to this

event appears to have been occasioned by a break-down in the three-way relationship between Earl William, the Lord of the Isles and Reginald MacRuari, and it is likely that the latter had reneged upon the territorial compromise which had been agreed in 1342.<sup>31</sup> It was probably during an attempt to re-negotiate this compromise that MacRuari irretrievably earned the ire of Earl William, and came to be murdered at his instigation at a Perthshire nunnery in the autumn.<sup>32</sup> It was said that the ill portents of the earl's actions were such that many withdrew from the Perth muster including, presumably, the contingents assembled under these three Highland magnates.<sup>33</sup> This unfortunate preamble to the battle of Neville's Cross was to have a direct bearing upon David II's agenda for the north when he returned from England eleven years later.

At the king's first parliament since his return in the autumn of 1357, a statute was passed revoking any remissions that had been made to murderers since 1346.<sup>34</sup> In this way, the earl of Ross was made acutely aware that the king's displeasure was undiminished by the passage of time.<sup>35</sup> Further evidence of the king's determination to marginalise the earl of Ross was manifest during the parliament of 1358, when William was removed from his post as northern justiciar and replaced by Sir Robert Erskine, the first in a long line of royal favourites and lesser men who were to benefit from the king's patronage at the expense of the hapless earl.<sup>36</sup> However, the most sinister challenge to the standing and authority of the earl of Ross was to appear in the form of Sir Walter Leslie, a Garioch landowner who was held in especial esteem by the king.<sup>37</sup> The marriage of Sir Walter and Euphemia Ross, daughter of Earl William, took place early in 1366, and was, according to the earl of Ross himself, arranged without his consent and against his will.<sup>38</sup> The earl's disapproval of his son-in-law stemmed partly, no doubt, from Walter's relative lack of standing, either within



Ross or the ranks of the magnatial class, but mainly because the elevation of Sir Walter threatened to conflict with the earl's earlier entailment of his title on to his brother Hugh, the lord of Philorth.<sup>39</sup>

The immediate response of Earl William and his brother to the marriage was a refusal to attend the parliament of July 1366, where, with one of the earl's senior tenants, John Hay, they were noted as being 'contumaciously absent'.<sup>40</sup> Unmoved by this protest, the king proceeded to infeft Sir Walter and his reluctant bride with part of the Ross patrimony, viz. the New Forest of Dumfries, in September of that same year.<sup>41</sup> This rather ominous development held out the prospect of Sir Walter's acquisition of the remainder of the Ross patrimony without any deference to the liberties of his father-in-law. That Earl William was particularly fearful for his valuable lands in Buchan is manifest by the earl's excambion with his brother Hugh, whereby the latter received lands in Argyll and returned his Buchan lordship, so that Earl William 'might make a better defence of them'.<sup>42</sup> Soon after this precautionary arrangement, however, the earl's worst fears were realised, and the king conferred the lordship of Philorth upon Sir Walter, sometime between 1367 and 1368.<sup>43</sup>

The ability of King David to impose his will upon the earl of Ross with such impunity derived from the Act of Revocation, which had been passed by the parliament of September 1367.<sup>44</sup> Although this act was ostensibly related to the previous year's assessment for the king's ransom, it was used by the king as a means of sanction against some of his less compliant magnates, notably the Lord of the Isles, the earl of Ross, and the Steward; the latter now related by reason of marriage to Earl William's sister in 1355.<sup>45</sup> It was this threat of dispossession which moved Earl William to travel south to meet the king at Aberdeen,

in an attempt to recoup his lost Buchan lordship.<sup>46</sup> However, despite the earl's concessionary resignation of his rights in the Forfar forest of La Plater for the benefit of the king's stepson, John Logie, this meeting achieved nothing and William was forced to return to Ross unrequited.<sup>47</sup> There was to be no further contact between the earl and his king until the winter of 1369, but, in the interim, angered by William's refusal to accept Leslie as his heir, the queen had apparently urged her husband to recognosce all of the Ross lands into the hands of the crown. Thus, when the earl of Ross finally met the king at Inverness in November 1369, his impotence was such that he was forced to accept Walter Leslie as his heir and to ratify the latter's title as lord of Philorth.<sup>48</sup> This transaction was formalised at a parliament held in October the following year, when Earl William received a re-grant of his earldom of Ross, but with the exception of his lands in Dumfries, Wigtown and Buchan, many of which were already in the hands of Sir Walter.<sup>49</sup>

For around two years before his death in c. February 1370, the erstwhile lord of Philorth was noted as 'being in foreign parts as a banished man'.<sup>50</sup> The last extant reference to Hugh Ross was at Balnagowan in August 1368, when he received his lands of Balnagowan from Marion of Herdmanston.<sup>51</sup> Whether this retrieval was part of an attempt by Hugh to establish himself as a credible successor to his brother as earl is unclear, but it is apparent that his brother's failure to gain control over his patrimony precipitated a period of unprecedented flux within the province of Ross. This is divined from a charter of Earl William, given at Dingwall in August 1369, when he rewarded Hugh Munro with lands in Ross, for his service and that of his father Robert, 'lately killed in defence of the said earl'.<sup>52</sup> It may be possible to relate the circumstances of Robert's death with traditional accounts of the 'Battle of the Brogues, itself a

conflated rendering of three separate conflicts. The battle has been assigned various dates ranging from 1369 to 1452, and there is at least one element within all the versions of the battle which corresponds to events that took place during Earl William's lifetime.<sup>53</sup> This tells of an insurrection against the earl of Ross, with the Munroes and another prominent Ross family, the Dingwalls, playing a major rôle in the resistance, and being rewarded for their services.<sup>54</sup> The fact that such a prominent figure so close to the earl as Robert Munro, could have met his death at this time is evidence of the gravity of the situation, and most probably relates to the promotion of Sir Walter as heir of Ross, and the dilemma that his intrusion posed for the native kindreds.

This is seen from a charter of November 1369, where Leslie, as lord of Philorth, granted land in Buchan to John Urquhart, the son of Adam Urquhart, a frequent witness to the charters of Earl William.<sup>55</sup> Indeed, as sheriff of Cromarty, Adam Urquhart was one of the inner circle of senior tenants who had supported the nomination of Hugh Ross as heir to the earldom, and the subsequent arrangements for the defence of Buchan.<sup>56</sup> Moreover, along with the Munroes and Dingwalls, the sheriff of Cromarty appears to have been loyal to the earl right up until his last extant charter at Dingwall in February 1371.<sup>57</sup> The only other possible candidate for defection at this stage appears to be John Hay of Tulibothy, who, although a kinsman and tenant of the earl of Ross, appears as a witness to Walter's charter to John Urquhart in c.1367.<sup>58</sup> Despite the fact that Hay's lordship was in Clackmannan, he also held lands in Banff, and may have been swayed by David II's grant to Leslie of lands there, notably the thanage of Aberchirder and, possibly, also Deskford.<sup>59</sup> Within the king's grant of Aberchirder, which was given along with the thanage of Kincardine, there was the stipulation that Sir Walter should remain superior of



these lands 'even if the heirs should recover them'. If the king anticipated a dispute over possession of lands in Banff, it was evidently in Hay's best interests that he ally himself with the king's favourite.

It is worth questioning at this point whether the Lord of the Isles looked upon the difficulties facing Earl William, as presenting a timely opportunity to extend his lordship further east. It is known that Donald, John's successor as Lord of the Isles, enjoyed the support of many of the Wester Ross clans when dealing with his brother's rebellion in c. 1389, and it is not inconceivable that this alignment was first conceived during the troubled years left to the earl of Ross.<sup>60</sup>

However, there is no evidence to suggest that the Lord of the Isles exploited the instability within Ross while his brother-in-law still had nominal control over the earldom.

Indeed, not only did the advancement of Walter Leslie as the future lord of Ross threaten to wreck the mutually-beneficial alliance which had been inaugurated by the marriage of John's sister to Earl William in 1342, but it also promised the end of any potential interest that the Lord of the Isles might have claimed over the fate of his niece, Euphemia Ross. Further, if John had wished to capitalise on the political flux within Ross, the most propitious target for this ambition would have been presented by Earl William's lands in northern Argyll.

Yet, when Hugh Ross of Philorth handed over his Buchan lands to his brother for safe-keeping in the late 1360s, implicit within Earl William's reciprocal grant of his lands in Argyll was the understanding that this territory was still under his firm control.<sup>61</sup> These arguments lend further credibility to the assertion made by at least one writer on the subject, namely that the marriage of Walter Leslie to Euphemia Ross marked the point at which Hugh of Balnagowan sought common cause with the Lord of the Isles.<sup>62</sup> In fact, if this premise is extended, it is not

improbable that the Macdonald chief offered Hugh refuge within his own lordship, when the latter was forced into exile by his 'diverse enemies and rivals'.<sup>63</sup>

As for the Lord of the Isles' relations with the crown, they could hardly have been much less hostile than those endured by the earl of Ross. The absence of John from the muster at Perth, and the subsequent battle at Neville's Cross, must have earned the Lord of the Isles the same enmity that the king displayed against Earl William after 1357. However, the strength of the MacDonald chief within his own lordship allowed him a measure of immunity against the king's resentment, and ensured that John remained in possession of the same lands which had been confirmed to him in 1343. No doubt the Lord of the Isles viewed the imposition of the king's favourites upon the Highlands with the same contempt as the earl of Ross, but it wasn't until 1366, when the new levies for the king's ransom were introduced, that John's latent disaffection came to the fore. MacDonald's refusal either to co-operate with the new assessment, or to present himself at parliament, was sustained over the next few years, despite repeated exhortations for his compliance.<sup>64</sup> Even the Act of Revocation, which had been used with such ruthless efficiency against the earl of Ross, left the Lord of the Isles unmoved in his opposition to the king. By March 1369, when the last of the Highland magnates, namely Gillespie Campbell and John of Lorne, came to terms with the king, the Lord of the Isles remained stubbornly outwith David's grasp. It wasn't until the king travelled north to Inverness at the head of an army in November that year, that John felt compelled to come into the king's peace.<sup>65</sup> Although by the terms of this dilatory submission John was forced to agree to pay the ransom contributions and offer hostages as security for his future behaviour, it is unlikely that the king felt any sense of triumph over his recalcitrant subject. The submission was, in

effect, a form of compromise, for there was no question of John surrendering any part of his lordship, in contrast to the humiliating dispossession endured by his brother-in-law, the earl of Ross.

Nevertheless, even if there can be glimpsed an element of pragmatism in the king's dealings with the Lord of the Isles, such considerations were nowhere apparent in his policy towards the Highlands as a whole. This is manifest by the appointment of crown officers such as Sir Robert Erskine and his successor as northern justiciar, Sir William Dishington, neither of whom enjoyed any real political base within the region, rendering any efforts they might have made to enforce the authority of the crown as ineffectual.<sup>66</sup> This persistent preferment of the king's favourites made no concession to the political practicalities within the Highlands. Even the opportunity to start anew after the Act of Revocation in 1367 was wasted. An obvious example is provided by the lordship of the Garioch which, having been dissociated from the earldom of Mar, was then used to reward the same inner circle of royal courtiers, whose earlier advancement and influence over the king had been denounced by the Steward and his co-conspirators during their brief and abortive insurrection in 1363.<sup>67</sup> In essence, King David had returned from eleven years of English captivity harbouring so much distrust against the earl of Ross and the Lord of the Isles, that he was unable to rise above his own resentment and offer the Highlands a workable stratagem for its governance. Rather, he appears to have deliberately discriminated against his northern nobility, guaranteeing that both he and his courtiers earned their undying disaffection. With David's untimely death in February 1371, there must have been the expectation that the Steward, as Robert II, would embark upon a reversal of this unfortunate legacy, and allow the Highland magnates to come in from the cold.



It was this prospect that brought the elderly earl of Ross to Edinburgh in June 1371, to present the new king with a formal complaint detailing the many wrongs that had been committed against him by David II.<sup>68</sup> In delivering his querimonia to King Robert, Earl William no doubt hoped that the influence of his sister, Queen Euphemia, would prevail and the lands lost to Sir Walter Leslie, particularly those of Buchan, would be returned. However, the ties of kinship were to prove less binding than the political realities facing King Robert during the formative years of his reign, particularly as the Steward's right to succeed his uncle was by no means universally accepted by all of his peers. This is attested by the earl of Douglas's counter-claim to the throne, made soon after King David's death, and before the coronation of Robert in March 1371.<sup>69</sup> According to both Wyntoun and Bower, the king was only able to thwart the pretensions of Douglas by the intervention of many of those once closely associated with the late king.<sup>70</sup> Moreover, although the king's antipathy towards his uncle's former protégés was probably not so pronounced as the events of 1363 implied, the inclusion of Sir Robert Erskine, Sir John Lyon and Sir Hugh Eglinton, in the Privy Council of May 1371, signalled the flagging presumption that King Robert would be able to undo all that had been his predecessor's legacy.<sup>71</sup>

The almost seamless transition between the old and new governments was further evidenced by the emergence of Sir Walter Leslie's kinsmen, Sir Alexander Lindsay of Glenesk and Sir James Lindsay of Crawford, as associate members of this political grouping.<sup>72</sup> The king was already bound to the Lindsays by marriage, but it is possible that their renaissance had been contrived by their less than altruistic offer to act as a buffer against the powerful vanities of the earl of Douglas. This is suggested by the preferment given to the king's nephew, Sir James, who was

appointed northern justiciar soon after the Steward acceded to the throne.<sup>73</sup> Thus, it was probably the influence of these men that prevailed upon the king to allow Sir Walter Leslie unmolested possession of the Ross patrimony, leaving Earl William unreconciled with his lost lands before his death in February 1372.

Nevertheless, the success of Sir Walter and his ilk was mitigated somewhat by the fact that, even after his father-in-law's death, Leslie was not formally invested with the title of earl. Part of the reason for this reticence lies in the probability that King Robert was not wholly dependent upon his uncle's coterie for his political survival. Indeed, all of their gains were to be offset by the advancement of the king's own sons. Robert Stewart, the king's third son by his first marriage, and the future governor, had married the Menteith heiress in 1361, but had been confined to the lesser title 'lord of Menteith' during the reign of David II. Now raised to a full earl, Robert added to his comital credentials with the title of Fife, and, within two years, his position was such that he was able to displace Sir Robert Erskine as constable of Stirling Castle, the traditional gateway between the north and south of the kingdom.<sup>74</sup> As for Earl Robert's brother-germane, Alexander, and their step-brother David, the interests of these men were secured by the astute manner in which their father had come to terms with John Dunbar, the earl of March's brother and another link in the defensive ring which had resisted the pretensions of the earl of Douglas. Thus, although Dunbar was to gain the earldom of Moray in 1372, the exclusion of the lordships of Badenoch and Lochaber, together with the castles of Urquhart and Lochindorb, ensured that the king was left with a measure of independent manoeuvrability.<sup>75</sup>

Badenoch had probably been under the control of King Robert since his marriage to the Randolph widow, Euphemia

Ross, in 1355.<sup>76</sup> However, for much of the last decade of King David's reign, it is likely that Alexander had deputised for his father, and this de facto control was to be confirmed and legitimised in 1371, when he received the lordship of Badenoch with full regality powers, together with the castle of Lochindorb.<sup>77</sup> As for Urquhart, although it had been ceded to David, now earl of Strathearn, Alexander had been named as heir in the entail, and proceeded to exercise actual control over the barony, by dint of a leasing arrangement with his younger step-brother.<sup>78</sup> In addition to these valuable lordships, the following year Alexander was appointed as the king's lieutenant with authority over the province between the Moray and Pentland firths, with only the rump that was the earldom of Moray being excepted. This appointment not only gave Alexander control over the lucrative lordship of Sutherland, but it also greatly diminished James Lindsay's authority as northern justiciar.<sup>79</sup>

It has been argued that the lord of Badenoch's new commission was granted as compensation for the loss of the earldom of Moray, the fermes of which had been seized by Alexander during the exchequer year of 1370 to 1371.<sup>80</sup> While this is undoubtedly true, the fact that Alexander's jurisdiction now extended to the earldom of Ross, raises the possibility that the king harboured longer-term ambitions on behalf of his son. If the earldom of Ross was anticipated as a future prize for this most favoured son, it would go some way to explain the rather equivocal attitude of the king towards the Lord of the Isles.

Donald, John's first-born by his marriage to the king's sister, had probably been nominated as heir to the MacDonald lordship as early as 1369, with a view to the potential patronage that would follow when Donald's uncle ascended the throne.<sup>81</sup> The only concessions made to the Lord of the Isles in the year of Robert's accession, were



confirmations of lands which he already held, namely Garmoran and Lochaber. Further, another four years were to pass before the king condescended to confirm John's possession of the lands in Kintyre and Knapdale, which had been held by him since his marriage to Margaret Stewart in 1350.<sup>82</sup> Nor was there any consolation for the Lord of the Isles within the settlement agreed for the earldom of Ross. Despite the close bonds of kinship between the MacDonald chief and the Ross family, Robert II's acceptance of Walter Leslie as lord of Ross effectively excluded the Lord of the Isles from any future interest in either the fate of Ross, or claim upon its valuable patrimony. It may well be that this latter point inspired the Lord of the Isles to enter into an alliance with William Ross, who had succeeded his father as lord of Balnagowan by February 1370, but was denied his Buchan inheritance by Robert II's acceptance of Walter Leslie as lord of Ross.<sup>83</sup>

This premise is divined from the second element of Ross history within the various accounts of the Battle of the Brogues. In the version offered by Mackenzie in 1896, one of Leslie's confederates from Moray, Hugh Fraser of Lovat, is given a central rôle in defending the lord of Ross against the incursions of the MacIennans of Wester Ross.<sup>84</sup>

If this assault can be identified as the Battle of the Brogues proper, then it is probable that the MacIennans were joined by other tenants in Kintail, including the MacIvers, the Macleays and the Macauleys, and perhaps even the powerful and influential Mackenzies of Kintail.<sup>85</sup>

Nowhere in any of these accounts is reference made to Ross of Balnagowan, who also held land in Kintail, but, as noted earlier, many of these clans were later to support John's successor as Lord of the Isles during his brother's rebellion in c. 1389, and this alignment might well date from this time. Moreover, although this action appears to have been halted by the intervention of the king who

travelled north in 1374 and probably threatened William with the loss of his Balnagowan lordship, it is clear that Walter Leslie was only ever accepted as the late Earl William's heir by those who held their lands well within the Ross hinterlands, viz. the Urquharts, Munroes and Dingwalls.<sup>86</sup>

In an attempt to counteract this anomaly a marriage was contracted between Sir Alexander Fraser of Cowie and Durris, and Janet Ross, Walter Leslie's step-daughter in June 1375.<sup>87</sup> A direct descendant of Sir Alexander Fraser of Touchfraser, who had received the thanages of Cowie and Durris in the sheriffdom of Kincardine and the fermes from Aboyne in Aberdeen from Robert I, Fraser represented a useful ally to the lord of Ross.<sup>88</sup> By the terms of this marriage, Walter regained control over the Ross lands which Janet had inherited from her father, thus reversing the sub-division of the earldom, which David II had specifically prohibited in 1370. In compensation for this loss of his new bride's inheritance, Sir Alexander gained the Buchan lordship of Philorth, together with some lesser elements of the Ross patrimony in Galloway and elsewhere. It was probably no coincidence that Fraser was already related by marriage to Sir William Keith, the Marischal, a powerful figure in the north-east, whose family had been favoured with the greatest share of the Buchan lands forfeited by Alice Comyn and her husband, Sir Henry Beaumont. Thus, although Sir William had previously opposed Walter's elevation within Ross, it is possible that he had temporarily suspended his hostility and accepted Walter as lord of Ross.<sup>89</sup> Nevertheless, even if Leslie's credentials in Buchan and the north-east were advanced by this alliance with Fraser, the fact that Robert II had already been obliged to intervene and appease the truculent lord of Balnagowan, gives an impression of the lord of Ross as a rather helpless figure who was dependant on the crown to maintain his position

within the greater part of his domain. Further, it is significant that the king's confirmation of Balnagowan's inheritance took place within Badenoch, the lordship of Alexander Stewart, whose involvement may have been justified by his jurisdiction over Ross, but in reality was to prove a sinister preamble to his ulterior ambition.

As detailed by Grant, Alexander Stewart's rapid accumulation of territory during the years after his father's accession, betrayed the fact that the new lord of Badenoch was not content to remain confined within his own lordship.<sup>90</sup> Aided by the king's indulgence, Alexander gained lands in Caithness, Banff, Aberdeen and Perth, and, if later grievances are to be believed, not all of these grants were made with the full cooperation of those dispossessed.<sup>91</sup> In addition, with his castles of Urquhart, Lochindorb, Ruthven and, perhaps, another on the island of Loch an Eilean in Rothiemurchus, Alexander acquired a strategic entrenchment which must have greatly alarmed his neighbours, in particular the earl of Moray.<sup>92</sup> As noted earlier, it is probable that Alexander had aspired to the title of Moray soon after the death of David II, and his gains in Banff, including the barony of Strathhaven, would have done little to assuage the anxieties of John Dunbar in his ever-diminishing domain. Nor is it likely that the lord of Badenoch's assumption of the sheriffship of Inverness in c.1378, displacing William Lambe a retainer of the earl of Moray, did anything to moderate these fears.<sup>93</sup> However, even although Alexander's aggrandisement at the expense of the earl of Moray was not yet complete, it was probably from around this time that he turned his attention to the earldom of Ross, and its prized appurtenances. It was during the late 1370s that Alexander prevailed upon his father to allow him to uplift the terce due to the countess of Ross, the widow of Earl William and the sister of the Lord of the Isles, the latter receiving £40 a year compensation until her death sometime after



1382.<sup>94</sup> This concession, together with further gains by the lord of Badenoch in the sheriffdoms of Banff and Aberdeen, must have appeared to the beleaguered lord of Ross as an advancing pincer movement designed to strangle whatever hold he still had over his increasingly vulnerable domain.<sup>95</sup> However, whatever fears Walter Leslie may have entertained he did not see them realised before he died at Perth on 27 February 1382.<sup>96</sup>

In March, Walter's widow, Euphemia of Ross, was to be found at Dingwall, in the company of the tenants and councillors who had served her husband, dealing with transactions of land in Buchan and Ross. However, by the following month, Alexander and his confederate, Thomas Fotheringham, were ensconced at Dingwall, signalling the lord of Badenoch's intention to consolidate his interest in the Ross earldom.<sup>97</sup> The motivation behind this move was revealed in May, when petitions were dispatched to the papal curia to obtain a dispensation for the marriage of the Ross heiress to the said Alexander.<sup>98</sup> In July Euphemia was brought to Inverness, whence the king had travelled in order to supervise the formalities, and on the 22nd, following on from Euphemia's resignation, Robert II granted the barony of Kingedward to Alexander and his new wife, thereby elevating the lord of Badenoch to the title of earl of Buchan.<sup>99</sup> The probability that this particular title was Alexander's main objective, is evidenced by the fact that this transaction preceded all the other formalities ensuing from his marriage. Two days later, again following Euphemia's resignation, the earl of Buchan and his new wife received the thanage of Dingwall and its castle. The final two grants concerned a liferent of the earldom of Ross to Alexander, with the remainder of the Ross patrimony being received in jointure.<sup>100</sup> All of these transactions, excepting that concerning the earldom itself, were entailed upon the heirs of Alexander and Euphemia, which, as demonstrated by Boardman, effectively

excluded Alexander Leslie, the eldest son of Euphemia's previous marriage, from a large portion of his inheritance.<sup>101</sup> Indeed, if his mother and step-father produced any offspring, Alexander Leslie was faced with the possibility of inheriting the earldom of Ross without access to Dingwall, the comital headquarters, a perversity which was reminiscent of that confronting John Dunbar, when he gained the earldom of Moray without its stronghold at Lochindorb. Doubtless, these similarities were not lost upon young Alexander Leslie's kinsmen, but the lord of Glenesk had died around the same time as his step-brother Walter, and the opposition of the lord of Crawford appears to have been pre-empted in June 1382 when he received the Aberdeenshire thanage of Formartine and its castle at Fyvie.<sup>102</sup>

Unfortunately, there are few extant charters to indicate the extent to which Alexander was either accepted or rejected within Ross. In March 1383, the new lord of Ross was at Dingwall presiding over a court dealing with the lands of Andrew Tarrell, probably a relation of John Tarrell, the former chamberlain of William, the late earl of Ross.<sup>103</sup> Perhaps, like Walter Leslie before him, Alexander was only accepted by those such as the Munroes and Dingwalls, who, like Tarrell, held lands within the relative safety of the Ross hinterlands. As for William Ross of Balnagowan, he was apparently still smarting from the memory of the king's intervention in 1374, for his acknowledgement of Walter Leslie's successor as his feudal superior was implicit in his action of May 1384, when he sought a precept of sasine for his Sutherland inheritance from Alexander Stewart.<sup>104</sup> Whatever semblance of submission the lord of Balnagowan chose to display, it is probable that his tolerance of the new lord of Ross disintegrated soon after and may have been inspired by the stance taken by the Lord of the Isles.

Included within the 1382 grants to Alexander and Euphemia, was the lordship of Lewis, last noted in 1367 as part of the MacDonald chief's extensive domain.<sup>105</sup> As indicated earlier, Lewis had been held by the Lord of the Isles since 1336, when Edward Balliol had granted it to John in order to gain military support for his claim to the Scottish throne. Prior to this, Lewis had been in the possession of the earls of Ross, and though Balliol's grant was confirmed by David II in 1343, some form of compromise regarding Lewis and other Ross lands in northern Argyll had probably been reached on the occasion of the marriage between John's sister and the fifth earl of Ross in 1342. Thus, although Alexander is unlikely to have exercised any practical control over Lewis, its inclusion in the lands settled upon Euphemia Ross and her new husband in 1382, was an undisguised snub to the Lord of the Isles. Badenoch itself, Alexander's original lordship and from whence he launched his spectacular career, had been ceded to Angus Og by Robert I, and while the Lord of the Isles may have tolerated its possession by his brother-in-law, the future king, during the 1360s, the intrusion of Alexander would have been greeted with less enthusiasm. The antipathy arising between the Lord of the Isles and the lord of Badenoch is evidenced by the fact that, according to the MacDonald sennachie, John was obliged to retain a significant military force within his lordship of Lochaber to defend his interests, presumably against incursions from the nearby lordship of Badenoch.<sup>106</sup> Of course, this relationship was further aggravated by the marriage of the lord of Badenoch to the Ross heiress, which emphasised the Lord of the Isles' exclusion from any future claim to either Ross itself, or the earldom of Buchan. It is possible that the appointment of Archibald Campbell and his son, Colin, as royal lieutenants in Cowal and Knapdale in May 1382, was an attempt by Robert II to pre-empt potential opposition from within the west Highlands to the Ross marriage, but it also confirmed the



intention of the king to continue the policy of David II and, as Grant puts it, keep the Lord of the Isles on the 'fringes' of the political settlement in the north.<sup>107</sup>

It is also clear that neither the Campbells, nor the earl of Buchan himself, were able to contain the resistance to the crown's policy for the Highlands. At the General-Council of 1384, a statute was passed decrying the activities of caterans, while, the following year, the deterioration in order was such that the earl of Carrick, who was given a special remit for the prosecution of justice in 1384, was enjoined to go north in pursuit of the same ideal.<sup>108</sup> If the Lord of the Isles was employing caterans to defend his interests against the earl of Buchan, it is probable that many of these men were recruited from within what was technically Alexander's own domain of Wester Ross. Assuming that these men were the same kindreds who had participated in the Battle of the Brogues, then patently Alexander, like his predecessor, at no time enjoyed uncontested control over the Ross earldom.<sup>109</sup>

This failure of Robert II's policy for the north gave the opportunity for others, who had been antagonised by Alexander Stewart's intrusion, to voice their complaints. The preamble to the earl of Buchan's protracted downfall came in the General-Council of April 1385, when disquiet over his own particular brand of lordship was enunciated by some of the northern magnates. Amongst them was his own step-brother, the earl of Strathearn, who asserted that Alexander was unlawfully detaining his castle and barony of Urquhart.<sup>110</sup> Not surprisingly, another source of this resentment was the earl of Moray, who, in April 1385, complained to the General-Council that some of his men had been murdered, and the subsequent injunction that the lands of the earl of Buchan be searched for the perpetrators, suggests the complicity of the latter. The

source of this particular dispute may have originated with the king's grant of the Moray lands of Abernethy to Alexander in 1384, which were bestowed with regality rights, further diminishing Dunbar's jurisdiction.<sup>111</sup>

However, the most ominous attack came from James Lindsay, the lord of Crawford, who had recently returned from his self-imposed exile following his involvement in the murder of John Lyon, the King's chamberlain, and was now laying claim to Alexander's own earldom of Buchan.<sup>112</sup> Although the bulk of Lindsay's territory was located south of the Forth, his interest in Buchan may have derived from his kinship with William Lindsay, lord of Symington, the second husband of Margaret Comyn. As noted earlier, Margaret's inheritance amounted to half of the earldom of Buchan and fell to the earls of Ross after the death of her first husband, John Ross, in c. 1316. The lands of Symington in Lanarkshire were eventually inherited by James Lindsay, and it is not inconceivable that some form of interest in Buchan were also part of Sir William's legacy. Moreover, by James' marriage to Margaret Keith, the daughter of the Marischal, the lord of Crawford may well have received a portion of the Buchan lands held by Keith family since the reign of Robert I.<sup>113</sup> In this respect, it is likely that the lord of Crawford had only temporarily suspended his interest in Buchan and now, like the rest of the north-eastern magnates, sought to capitalise on the difficulties facing Alexander Stewart.

According to Lindsay himself, the earldom had already been recognosced into the king's hands, but the king had then refused to allow the lord of Crawford temporary possession.<sup>114</sup> Evidently, the lord of Crawford was now presenting his claim to the earl of Carrick, in the hope that the king's recently-appointed lieutenant would be more amenable to his demands. However, after due consideration by the Council, it was decided that neither



party should have possession of the earldom until the final determination of the Council, which was set for 12 June next. Unfortunately, there is no further documentation regarding the Council's final pronouncement, although it is known that the General-Council did reconvene in June.<sup>115</sup> It can only be supposed that, by then, the king had sufficiently recovered his political poise to offer his son protection from his assailants and reinstate him as earl of Buchan.

Nevertheless, despite the earl of Buchan's rather surprising renaissance, it soon became apparent that the king's confidence in his son was not shared by all. Until his death in c.1396, James Lindsay assumed the title 'lord of Buchan', and the magnatial coterie associated with him during this period gives an indication of the strength of the opposition faced by his political rival. It is likely that Sir William Keith, the Marischal, made an early declaration of support in favour of his son-in-law's claim. As lord of Buchan, Lindsay is included amongst the witnesses to an undated charter given by the Marischal, alongside such notables as the future governor, the earl of March, and Sir Alexander Fraser of Philorth.<sup>116</sup> As one of the most powerful and influential families in the north-east, the Keiths had a vested interest in the fate of Ross and its politically-sensitive appurtenance of Buchan, a fact which had been demonstrated during the final years of David II's reign, when Sir William supported the efforts of the earl of Ross to reclaim his lost patrimony.

The motivation behind the association of the earl of March with the putative lord of Buchan was equally uncomplicated. Given his kinship with the earl of Moray, George Dunbar's interest in usurping Alexander Stewart was obvious. As for the future governor, Robert Stewart, his involvement in the politics of the north dated back to his



marriage to Margaret Graham in 1361, which not only brought him the central Highland earldom of Menteith, but also a measure of interest in the west Highland territory of Cowal.<sup>117</sup> His indenture, with Isabella of Fife, and his subsequent acquisition of her earldom in 1371, had diverted his attention to Isabella's lands in the northern Highlands, and the future governor established superiority over the baronies of Cromdale in Inverness and of Coull O'Neill in Aberdeenshire, during the latter years of his father's reign.<sup>118</sup> However, in 1376, over a decade earlier, Earl Robert was to enter into an excambion with Sir William Ramsay of Colluthy, who was himself briefly earl of Fife during the reign of David II. By this transaction, Sir William added the barony of Leuchars to his estates in Fife, while earl Robert gained a foothold in the province of Moray. It is particularly significant that this agreement was witnessed by James Lindsay, who was a tenant of the future governor in north Fife.<sup>119</sup> Nevertheless, the most important link in the relationship between the earl of Fife and Menteith, Lindsay, and Sir William Keith, was in place by May 1380, when earl Robert married Muriella Keith, the Marischal's daughter.<sup>119</sup>

This marriage brought together a powerful coalition intent upon contriving the downfall of Alexander Stewart in the north-eastern Highlands. But, perhaps the most telling factor was the involvement of Sir Alexander Fraser, who was also related by marriage to the Keiths. Since his marriage to Joanna Ross in 1375, Sir Alexander Fraser had held the lordship of Philorth, and was, thus, technically a tenant of Alexander Stewart in a considerable portion of Buchan. In this respect, his affinity with James Lindsay and his patrons demonstrated that, whatever support the earl of Buchan had enjoyed within his own domain, it was now receding. However, the lord of Philorth's concern that Alexander Stewart might contrive his own revanchism is evidenced by a letter of obligation that Fraser

conceded to his brother, dated 31 July 1385, and therefore after earl Alexander retained his earldom of Buchan.<sup>120</sup> Within this document, the lord of Fraser raised the possibility that his brother might have to be compensated with estates in his barony of Durris if he was expelled or removed from his lands in Philorth, which had been granted to him nine years earlier.<sup>121</sup>

The lord of Philorth's fears were to be fuelled in the short term when Alexander Stewart was appointed northern justiciar, and in this capacity received the lands of Abriachan from the bishop of Moray in 1387.<sup>122</sup> At what point Alexander received this commission is unclear, but it can only have served to further antagonise the lord of Crawford, who may have hoped to have been re-appointed following the death of his uncle, the lord of Glenesk, in c. 1382.<sup>124</sup> This appointment, taken together with the earl's possession of Urquhart, and his acquisition of Bona the previous year, gave the impression that his position, in the Great Glen at least, would remain unchallenged and immutable.<sup>125</sup> However, by December 1388, the earl of Buchan's fate was sealed by the appointment of his brother, Robert Stewart, as guardian of the realm for a term of two years. The prime motivation behind this displacement of the earl of Carrick was given as the latter's infirmity and the imminent threat of an English invasion, which was anticipated following the Scottish success at Otterburn. However, by the reference to the 'great and many deficiencies in the governorship of the realm', it was also apparent that Carrick's term as special prosecutor had been less than successful.<sup>126</sup>

This was particularly true of the northern Highlands, where the earl of Buchan still reigned supreme, despite the fact that he was manifestly unfit for office, and notwithstanding the provisions that had been made for the removal of incompetent crown officers at the same General-



Council which had authorised Carrick's appointment nearly four years earlier.<sup>127</sup> The new guardian's remedy was swift and uncompromising. On 11 December the earl of Buchan was declared to be 'useless to the community' and summarily dismissed from his office as northern justiciar. The fact that Earl Alexander had been ordered to compare before the Council but refused to do so, not only indicates that he was given the opportunity to respond to his detractors, but also that these proceedings had been initiated at least one month earlier, the length of notice legally required when officers of the crown were brought to justice.<sup>128</sup>

Of course, this lapse in time also allowed others the opportunity to anticipate Alexander Stewart's downfall and prepare the way for their own advancement. At the same General-Council which oversaw the earl of Buchan's dismissal, Sir David Lindsay of Glenesk, the lord of Crawford's cousin, presented documentation to support his claim to the office of northern justiciar.<sup>129</sup> However, despite the strength of his case as the son of a previous justiciar, Sir David's letters were declared invalid. Patently, as later events were to show, the earl of Fife entertained like ambitions for his own son, Murdach, but was then constrained by the absence of James Lindsay who, at that time was still languishing in English captivity after the battle of Otterburn.<sup>130</sup> It was not until the lord of Crawford returned to Scotland that the earl of Fife was able to offer his personal assurance of his continued support for Lindsay's claim to the earldom of Buchan, thereby ensuring that the latter's family relinquished their interest in the northern justiciarship. This mutual agreement was concluded prior to the General-Council of April 1389, where Murdach was installed as the earl of Buchan's successor for the probationary term of one year, and with the proviso that he be assisted in his endeavours by his father.<sup>131</sup> Nevertheless, while the Lindsays and the



Keiths, each for their own reasons, were drawn into the earl of Fife's agenda for the north, it is questionable whether this political settlement was greeted with the same degree of equanimity within the MacDonald lordship.

Even before his death in c.1387, it is apparent that John, Lord of the Isles, had relinquished a measure of his authority to his son Ranald, the issue of John's liaison with Amy MacRuari, who is then noted in the Book of Clanranald as the 'High Steward over the Isles', a position which he maintained for at least six years.<sup>132</sup> However, Donald, John's son and heir, attained his majority while Ranald was still governor, if not before. Thus, it is probable that Ranald's governorship arose out of political necessity rather than from Donald's youth or inexperience.<sup>133</sup> As the fruit of John's union with Margaret Stewart, the daughter of Robert II, Donald was a very visible reminder of his father's deliberate policy to pursue closer ties with the crown. However, John MacDonald had remained excluded from Ross and gained little from Robert II, aside from the confirmation of lands he already possessed; while the neighbouring kindred of the Campbells of Loch Awe were elevated to the status of royal lieutenants. At the time of John's death the sense of injustice at this treatment was apparent when, at a ceremony held on Eigg, Donald was nominated as the MacDonald chief, 'contrary to the opinion of the men of the Isles'.<sup>134</sup> It must be assumed, therefore, that, at the time of John's death, there were two identifiable factions within the lordship, one eschewing any future reliance on kinship with the Stewart kings, while the other favoured a policy of continuity to further the legacy of the late clan chief. In this respect, the appointment of Ranald as governor or High Steward can be seen as an attempt to steer a middle course and provide a sense of cohesion and unity, while Alexander Stewart still posed a threat to the MacDonald interest.

The downfall of the earl of Buchan in the autumn of 1388 provided the continuity faction with the signal they craved, for it is around this time that Donald appears with the formal designation, Lord of the Isles.<sup>135</sup> However, the coincidence of the rebellion raised by John Mor, Donald's brother, suggests that those who opposed the policy of continuity had not yet surrendered their convictions. The seventeenth century MacDonald sennachie states that 'land hunger' was the rationale behind John's insurrection, and accuses Fingonious, the abbot of Iona, of inciting him to improve upon his inheritance by seizing 'all that was beyond the Point of Ardnamurchan'.<sup>136</sup> This statement is given credence by the complaint presented to the parliament of March 1389 by Margaret Stewart, the king's sister and widow of the late MacDonald chief, which suggests that the basis of John's disaffection was indeed land and had led to a contest with his brother which threatened their mother's jointure lands in Kintyre and Knapdale.<sup>137</sup> Nevertheless, the involvement of other west Highland kindreds, the Macleans, the Macleods of Lewis, and, possibly, the Mackinnons, invites the supposition that this challenge to Donald's lordship was of a less simplistic complexion. Further, the fact that the only extant example of Donald's seal incorporates the royal tressure is testimony to his affinity with his father's policy, and it may well be that the new chief's inclination was signalled soon after the death of Ranald, prompting John Mor to take up arms against his brother.<sup>138</sup> However, the multitude and diversity of the clans who rallied to Donald's side not only forestalled the pretensions of his brother, but also marked the direction of the lordship in the period immediately following John's flight to the relative safety of Ireland.<sup>139</sup>

While the dismissal of Alexander Stewart from the post of northern justiciar may have seemed to some as heralding a



fresh start in the crown's policy for the Highlands, the implications arising from the earl of Fife's control over the same office may not have been immediately apparent to the new Lord of the Isles. The future governor took his supervisory responsibilities seriously, travelling north to Inverness in October 1389 to mediate an end to the dispute between the bishop and earl of Moray.<sup>140</sup> Significantly, two of the senior churchmen who had served on the earl of Fife's council in the Moray dispute, the bishop of Ross and the abbot of Kinloss, were then involved less than a week later in ecclesiastical proceedings against the earl of Buchan who was accused by his wife, the countess of Ross, of a multitude of sins, including adultery, harassment and of detaining her possessions, presumably the revenues of Ross. With the earl of Sutherland standing surety for Alexander's good behaviour, the latter humbly submitted to the sentence of the bishop's court, and agreed to return to Euphemia as her husband and reinstate his wife in her possessions. As indicated by Grant, this censure against the earl of Buchan had probably been instigated by his own brother, and signalled the guardian's determination to contain some of Alexander's more extravagant and disruptive activities.<sup>141</sup>

In parallel with this containment was the deliberate policy of advancing the interests of the long-suffering earl of Moray and his son, Thomas Dunbar. The earl of Buchan's removal from the office of Inverness sheriff was probably effected at the same time as his dismissal from the northern justiciarship, and it is notable that Thomas Dunbar is designated sheriff of Inverness in an indenture with the bishop of Moray - dated 22 February 1390 - whereby Thomas agreed to protect the bishop's lands, another rôle previously enjoyed by Earl Alexander.<sup>142</sup> This further snub to Buchan again bears the hallmark of the guardian, but was probably contrived with the express



approval of the king, in whose company the earl of Fife had travelled north at the time of the Dunbar indenture. Perhaps his complicity in the humiliation of his son was too much to bear, for, a month after returning home to his Dundonald castle, the king succumbed to a sudden illness and died on 19 April 1390.<sup>143</sup>

Within a month of his father's death, the earl of Buchan demonstrated his contempt for his detractors with a two-pronged attack directed against the bishop and earl of Moray. In May, the earl of Buchan devastated the Banffshire burgh of Forres, before proceeding to the city of Elgin, where, along with other ecclesiastical buildings, the cathedral was ceremoniously torched.<sup>144</sup> It may well be that this disruption prompted the deferral of the earl of Carrick's coronation until August 1390. In the interim, some form of Council was held in May, when the earl of Carrick was recognised in his new guise as Robert III, and the earl of Fife was reinstated as guardian with a remit which probably included an exhortation to lead a punitive expedition against their brother, Alexander.<sup>145</sup> According to Wyntoun, the crown's vengeance was swift and uncompromising, with some of the perpetrators 'wyld, wikkitt, heland men', being put to the sword.<sup>146</sup> As for their leader, his punishment was left to the bishop of Moray, who demonstrated his wrath by pronouncing a sentence of excommunication against the intemperate earl.<sup>147</sup> The only response of the secular authorities to Buchan's involvement was taken at a Council in August, where it was decided to cancel the Moray protection agreement which had been made a mere six months earlier. Although the main thrust of the cancellation was to recognise the inability of Thomas Dunbar to defend either his own inheritance or the bishop of Moray's lands, there were also pragmatic overtones with the acknowledgement that the attempt to supplant Alexander with his arch-rivals was overly antagonistic and self-defeating.<sup>148</sup> If

this was indeed an attempt at compromise, then the success of the earl of Fife's intervention was manifest by the ceremony held at Perth soon after, where the bishop of St Andrews formally released Alexander from the sentence of excommunication which had been imposed as a consequence of the Elgin burning.<sup>149</sup> Nevertheless, the settlement for the north was still incomplete, and provision had to be made which recognised that there were influences other than Alexander Stewart which threatened the good governance of the Highlands.

In 1391, the castle of Urquhart was taken into crown hands and Thomas Chisholm, the earl of Moray's treasurer, was installed as a salaried custodian. The Chisholm family had long held lands in the barony of Urquhart, and Thomas's father, Robert, had previously acted as constable of the castle there. However, as indicated by Boardman, the extent of the payment assigned to Thomas suggests that his tenure was expected to be more troublesome than that endured by his father.<sup>150</sup> Given that both the castle and barony of Urquhart had been detained by Alexander Stewart during the previous decade, this action could be construed as yet another snub to the disgraced earl of Buchan. This might be true on a general level, but, more specifically, the fate of Urquhart was merely yet another confirmation of Earl Alexander's inadequacies. If the statement of the Sleat sennachie is to be believed, and Donald, Lord of the Isles, was able to call upon the 'men of Urquhart' in 1389, then it is clear that Alexander had been unable to stem the advancement of the MacDonald chief from Lochaber into the strategic recesses of the Great Glen.<sup>151</sup> Thus although the complaints voiced against Alexander Stewart in 1388 were politically motivated, they also had a very firm basis in fact.

Moreover, Alexander's near irrelevance as lord of Ross is demonstrated by a royal grant of April 1391, whereby £40



of the Great Customs of Edinburgh were bestowed upon the earl of Moray, with the proviso that half this sum was to be raised from the forfeited barony of Deskford in Banffshire. In 1382, Deskford had been noted as part of the Ross patrimony which had been granted in jointure to Alexander and Euphemia on the occasion of their marriage, and although Alexander was still technically lord superior, it is unlikely that he approved such an appreciable gain to his rival.<sup>152</sup> Nor is it probable that he gave his blessing to a transaction concerning the Buchan lordship of Glencuthill between Sir William Keith, the Marischal, and his son Alexander, the former having been party to his dismissal from office in 1388.<sup>153</sup> In any case, as discussed earlier, both the Marischal and the earl of Fife had formed a powerful cabal committed to the efforts of the lord of Crawford to supplant Alexander as the earl of Buchan. Taken as a whole, this evidence could suggest that Alexander had ceded his position within both Ross and Buchan, and perhaps even withdrawn to the refuge of the Lowlands.<sup>154</sup>

According to Grant, a further symbol of Alexander's complete abdication of all his former authority and responsibility is provided by the events in Angus in 1392, when he was unable to contain the indiscriminate behaviour of his own sons, who were outlawed and then imprisoned for their involvement in the battle between rival clans at Glasclune.<sup>155</sup> In all probability it was this latest demonstration of the earl of Buchan's incompetence that helped to foreshadow the formalisation of his total eclipse, with the initiation of proceedings for his divorce from the countess of Ross. In June 1392, the bishops of St Andrews, Glasgow and Aberdeen were mandated by Pope Clement to enquire into the state of their marriage, which had 'been the cause of wars --- and many other damages and scandals'. As noted by Boardman, the coincidental dispensation for the marriage of Murdach



Stewart to Isabella of Lennox, invites the conclusion that this final assault on the earl of Buchan was again inspired by the earl of Fife.<sup>156</sup> Moreover, even before the divorce was finalised in December, the countess of Ross and her son, Alexander Leslie, were the guests of the earl of Fife at his castle in Stirling, and it is not inconceivable that it was at this juncture that the future governor initiated the arrangements for the marriage of his daughter to the Ross heir.<sup>157</sup>

However, it is significant that, while at Stirling, Euphemia and her son confirmed a charter concerning lands in Kingedward, a barony which comprised the greater part of the earldom of Buchan, a title still claimed by the lord of Crawford. In fact, this transaction had been the subject of an intermediate confirmation by Lindsay as lord of Buchan in 1391, indicating that he had enjoyed a measure of success in gaining control over at least part of Buchan.<sup>158</sup> A later charter, which can be tentatively dated to 1392-3, demonstrates that Lindsay was supported in his aspirations by the earl of Fife and his ally, Sir William Keith while, in 1393, the putative lord of Buchan is seen exercising his rights as patron of the parish church of Tyrie in Kingedward.<sup>159</sup> David Stewart, the earl of Carrick, also supported Lindsay in his claims, the latter witnessing a charter of Carrick's as 'lord of Buchan' in December 1394.<sup>160</sup> The heir to throne had become affianced to Euphemia Lindsay, sister of Sir David Lindsay of Glenesk and was, thus, a close kinswoman of Sir James; and his increasing involvement in government affairs when he attained the legally significant age of fourteen in 1392, had marked the end of his uncle's tenure as guardian.<sup>161</sup> However, there is no evidence to suggest the earl of Fife and his nephew were political enemies at this early stage, or that there was a divergence in their respective agenda in the north. Indeed, the point at which the earl of Fife and his Keith allies discarded the lord

of Crawford most probably post-dates the last known association of Sir James as lord of Buchan and the heir to the throne. Sometime during 1395, Robert Keith, grandson and heir of the Marischal, besieged his aunt at her castle at Fyvie, forcing her husband, the putative lord of Buchan, to come to her aid with a retinue of three or four hundred men.<sup>162</sup> If young Keith's aggression was sanctioned by his grandfather, it is not improbable that this event marks the point at which the Keiths and the future governor withdrew their support from Sir James, and would certainly correlate with the latter's illegal seizure of the Aberdeen customs, a very blatant response to his betrayal.<sup>163</sup>

If the marriage alliance between Fife and Ross was not concluded until c.1395, this would correspond with what is known of the last few years left to the countess of Ross. A combination of factual evidence and traditional accounts suggests that the Countess Euphemia enjoyed a measure of independence during the intervening years between her divorce from Alexander Stewart and her own demise some three years later. By May 1394, Euphemia had returned to her castle at Dingwall, and from there granted land to her father's faithful retainer, Hugh Munro, in the presence of other Ross men, including her late father's chamberlain.<sup>164</sup> Her uncomplicated return to Ross was, no doubt, welcomed by many, including Walter Ross of Balnagowan, who had succeeded his father William by August 1394, when he received from the countess a precept of clare constat for his Ross lands.<sup>165</sup> This acceptance, if that's what it was, may have been contrived by the way in which Euphemia presented her son Alexander who, according to the seventeenth century Cronicle of Ross, assumed the cognomen 'de Ross' during his mother's lifetime. Although the few charters that have survived clearly contradict this statement, the Cronicle's assertion could well be intended as a near - allegorical representation of



Euphemia's efforts to gain recognition for her son as the future earl of Ross.<sup>166</sup> Traditional sources relate Euphemia's pursuit of Alexander Mackenzie of Kintail as her third husband, and his imprisonment in the castle of Dingwall when he refused to agree to the match. If this was an attempt by Euphemia to unite the Wester Ross kindreds under her authority as mother of the next earl it ultimately failed, not least because Kintail's own men are said to have retaliated by seizing the countess's kinsman, Walter Ross of Balnagowan, and holding him until the deliverance of their chief.<sup>167</sup> Even if this story is more myth than fact, the effect of the intrusion by successive interlopers as lords of Ross had most probably alienated the outlying kindreds beyond redemption, if not already propelling them into the arms of an alternative champion.

The removal of Alexander Stewart, and the deaths of the countess of Ross and the lord of Crawford within one year of each other in the mid-nineties, created a political void which necessitated the establishment of a new agenda for the north. Into the breach stepped Alexander, lord of Lochaber and brother of the MacDonald chief, who, in an indenture dated 25 September 1394, undertook to defend the lands of Moray.<sup>168</sup> In return for this protection, the lord of Lochaber was to receive eighty merks worth of land, including Bona and Essich at the north end of Loch Ness. Within the indenture there was also a reference to a 'certain agreement' which had been concluded between Hugh Fraser of Lovat, Thomas Chisholm, and Sir William Fotheringham. Despite the ambiguity of this statement, it is probable that this accord included the lord of Lochaber who received the barony of Abertaf and ten merks worth of other lands from the said Sir William, a former associate of the earl of Buchan.<sup>169</sup> With control over the baronies of Abertaf and Bona, the lord of Lochaber effectively encircled Urquhart, the castle there having been in the custody of Chisholm since 1391. It is distinctly possible



that Chisholm had yielded custody of Urquhart to the lord of Lochaber as part of this agreement, and this certainly corresponds with the cessation of the former's salary during the exchequer year of 1394-5.<sup>170</sup> The acquisition of these strategic sites along the length of Loch Ness, together with his entrenchment in Lochaber, gave Alexander complete command over the Great Glen, once the absolute reserve of his displaced rival, the earl of Buchan.<sup>171</sup>

The most significant feature of this indenture was the fact that the lord of Lochaber was obliged to adhere to the earl of Moray to the exclusion of all men, excepting the king, the Lord of the Isles, and the earl of Fife; the latter's involvement in the compact extending to the fact that the revenues from all the lands were to be raised annually for 'as long as it shall be declared with the advice of the earl of Fife'. In essence, the indenture was to be reviewed on an annual basis by the earl of Fife, who had the power of veto. Given his traditional portrayal as a marauding extortionist, the lord of Lochaber would seem a rather unlikely political bedfellow for the future governor, then the most powerful and influential magnate in the kingdom.<sup>172</sup> Perhaps this indenture should be interpreted as a measure of the crown's weakness in the face of the way in which the kin-based society of the MacDonald lordship circumvented the feudal niceties, by appropriating territory first and demanding legitimisation later.<sup>173</sup> It is certainly notable that a significant portion of the indenture is given over to the settlement of disagreements between the followers of those concerned, with the earl of Moray stipulating that neither Alexander's men, nor his caterans, were to be allowed to exercise their 'freebooting instincts' within his lands. MacDonald sources appear to confirm this thesis, relating the influence of the Lord of the Isles in Urquhart, which achievement predated this indenture and the installation of a new custodian of Urquhart Castle, under the auspices

of his brother, the lord of Lochaber.<sup>174</sup>

Nevertheless, there was more to this compact than cosmetic feudalism, a broader strategy being implied by the reference to the earl of Moray's reciprocal obligation to support the lord of Lochaber in his agenda. In fact, although the indenture was to apply for the strictly-limited term of seven years, provision was made for its extension if a suitable agreement could be reached. Moreover, the cancellation of Chisholm's royal salary as keeper of Urquhart, could be interpreted as royal approval for the situation in the Great Glen, rather than signifying an acknowledgement of the crown's impotence. Of course, the earl of Fife was chamberlain, having succeeded the unfortunate lord of Glamis in 1382, but it is notable that a dispensation for the marriage of the daughter of the Lord of the Isles and Duncan Lamont of Cowal, was later to be made at the petition of the king himself.<sup>175</sup> A further hint that Robert III was involved in this attempt at ameliorating relations with his nephew came later, when, in the aftermath occasioned by the breakdown in the indenture, the king was enjoined not to make any remissions to the Lord of the Isles and his family, without the express permission of his Council.<sup>176</sup>

If it is accepted that the king deliberately relaxed the 'fringe' policy which had been formerly pursued against the Lord of the Isles, it is not inconceivable that this also applied to the earldom of Ross, which had been deliberately removed from the MacDonald sphere of influence by both David II and Robert II.<sup>177</sup> The Moray/Lochaber indenture is careful to defer to the status of Alexander Leslie as the future earl of Ross, presumably in recognition of the earl of Fife's plans to secure his own interest in the fate of the earldom by the marriage of his daughter to the said heir. However, it may also have been around this time that royal approval was given for



the marriage of the Lord of the Isles to Alexander Leslie's sister. The crown's consent to this union would have allowed the MacDonald chief a legitimate, but carefully delineated, interest in Ross, and may well have been part of a wider agenda to bring the lordship in from the cold. Indeed, as suggested by Boardman, it is probable that the lord of Lochaber's coincidental marriage to a daughter of the earl of Lennox was arranged with the consent of the earl of Fife, and could be portrayed as a political adjunct to the network of marital alliances that the future governor concorded with the earl of Lennox, the Stewarts of Lorn, and the Campbells of Lochawe.<sup>178</sup> And although the Lord of the Isles was not to enjoy the formal status of the latter as royal lieutenants, this new settlement for the northern and western Highlands could be portrayed as a first tentative step to draw the MacDonald lordship into the political mainstream.

Unfortunately, this latest arrangement for the good ordinance of the Highlands did not take into account other unresolved animosities in the region. According to both Bower and Wyntoun, a long-standing feud had existed between the clans 'Qwhele' and 'Kay' which had defied resolution either by the intervention of the king or the earl of Fife. It was the 'persistence and strength' of Sir David Lindsay of Glenesk and Thomas, earl of Moray, that prevailed and led to an arrangement for a judicial combat to take place on the North Inch of Perth, in September 1396.<sup>179</sup> The leaders of the opposing clans were named as 'Scha Farqwar's son' and 'Cristy Johnson', leading Skene to speculate that they represented rival branches of Clan Chattan, the Macintoshes and Macphersons respectively. Although many other academics remain unconvinced as to their precise identity, it is not unreasonable to assume that Earl Thomas and Sir David were motivated in their efforts to conclude the feud by reason of the disruption caused in their respective domains by these two groups of



'pestiferous caterans'.<sup>180</sup> The marauding activities of a certain 'Farquhar MacIntosh' had already been the subject of a complaint by the bishop of Aberdeen to the king and his Council in 1382, and the subsequent directive to the then sheriff of Inverness, Alexander Stewart, raises the possibility that the object of the bishop's ire launched his offensives from Alexander's lordship of Badenoch.<sup>181</sup> As for the Johnson element, at least one member of this family had links with the earldom of Mar, and it was perhaps a relation of the said 'Cristy' who was later retoured as heir to Andrew Garioch in lands of the lordship of Garioch in 1403.<sup>182</sup> Members of the clan 'Qwhele' had already been outlawed following the 1392 battle of Glasclune, which was said by Wyntoun to have been inspired by a great discord between the Duncansons of Atholl and Sir David Lindsay, whose interests lay primarily in Angus and the Mearns.<sup>183</sup> Thus, whatever the exact identity of these clans, it is clear that the majority of those involved had interests which traversed the Inverness-shire and Aberdeenshire border, and who were probably abetted by kindreds whose affinity lay further south.

The heir to the throne, David Stewart, earl of Carrick, was given a leading rôle in the operation to suppress the descent into near-anarchy occasioned by this Highland feud, following a Council held at Stirling in October 1395. The Exchequer Rolls attest to Carrick's involvement from this date onwards, with his presence in the north giving a royal gloss to the efforts of local officials such as the sheriff of Aberdeen, Alexander Fraser of Philorth, who presided over a court there in April 1397, following an injunction by a recent General-Council.<sup>184</sup> However, given the relative youth and inexperience of the earl of Carrick, it is likely that much of the actual responsibility for these campaigns was borne by local magnates such as the earl of Moray, who was, of course,

still sheriff of Inverness, and by David's uncle, the earl of Fife, who received a greater share of the payment for the 1397 expedition, and whose involvement was intrinsic to a further expedition the following year, when he was elevated to the portentous title of duke of Albany.<sup>185</sup>

By this time it was clear that the earl of Moray's indenture with Alexander of Lochaber had disintegrated into grievous disarray. In a Council held at Stirling in 1397, the act of 'herschip' was legislated against, and although he was not then named as the perpetrator, Alexander of Lochaber was identified as a 'known philanderer and pillager of the realm' in a Council held two years later.<sup>186</sup> In the interim, in 1398, Urquhart and another castle, probably Bona, both previously held by the lord of Lochaber, were taken into crown hands; while the said Alexander and his two older brothers, the Lord of the Isles and John Mor, were ordered to compear before the king and his Council to offer their submission.<sup>187</sup> The involvement of John Mor in this disorder not only indicates that he had returned from exile following his insurrection against his brother, the Lord of the Isles, in c.1389, but may also explain the lordship's new-found contempt for the crown. If it is accepted that John's rebellion against his brother had been derived, at least in part, from his disagreement with Donald's preferred alignment with crown policy, it could be concluded that his return, and subsequent elevation to the status of tannist, had been occasioned by the Lord of the Isles' eventual acceptance of his brother's less temperate views.<sup>188</sup> However, even if this premise is allowed, it still gives a rather one-dimensional picture of the events of this period. In fact, the emphasis given by modern historians to the lawlessness of the lord of Lochaber and his kin during the late 1390s, ignores the part played by the sons of the earl of Buchan, specifically his namesake, the future earl of Mar. An entry in the Aberdeen burgh



records for 1398, refers to a payment made for the capture of the men of Alexander Stewart, while a parliamentary record for the following year indicates that, by then, three of Buchan's sons, presumably including the said Alexander and his brothers, Duncan and Robert, were under close confinement in Stirling Castle.<sup>189</sup> Thus, as far as the king's Council was concerned, both these men and the lord of Lochaber were held equally responsible for the disorder in the north, and afforded an equally punitive response by the crown. Moreover, given the involvement of Duncan and Robert alongside Clan 'Qwhele' at Glasclune in 1392, it is not improbable that they eluded capture, either to rejoin their former associates in the feuding that precipitated the judicial combat at Perth, or to inflame the discord which followed. As suggested by Grant, Duncan and Robert may have been amongst those confined in Stirling Castle from 1396 onwards, but their brother remained at large until 1398.<sup>190</sup> During the interim, it is distinctly possible that they chose to embark upon a campaign to destabilise the Moray/Lochaber indenture as a deliberate act of revenge for what they perceived as their father's usurpation by the brother of the Lord of the Isles. In this respect, the contemporary complaint of the Moray chronicler, that justice itself was outlawed, cannot be laid entirely at the feet of the lord of Lochaber.<sup>191</sup>

It is possible that the crown's determination to pursue the progeny of the earl of Buchan, encouraged the Lord of the Isles to agree to keep his brother, Alexander, in close custody in c.1398. Nevertheless, the simultaneous injunction to Robert III that he was not to make any remission to the Lord of the Isles and his brothers, without the express approval of a special Council, reveals that the king's councillors were less confident regarding the eventual submission of the Macdonalds than the king himself.<sup>192</sup> Perhaps the Council's attitude arose as much from their innate suspicion of the lordship as it did from



the contemptuous manner in which the lord of Lochaber chose to dispose of the bishop of Moray's lands to his own supporters.<sup>193</sup> Indeed, after the appointment of the recently-elevated duke of Rothesay as the king's lieutenant in January 1399, the stance taken by his limited Council was far less accommodating. Following yet another expedition north to Aberdeen by Rothesay in the summer of 1399, a Council held at Linlithgow in November determined that a letter should be dispatched to the Lord of the Isles, reproaching him for freeing his brother, Alexander of Lochaber, without the consent of the king, and ordering the two brothers to compear at the next parliament for judgement.<sup>194</sup>

Unfortunately, although the parliament scheduled for next February at Holyrood did take place, there is no extant record of its proceedings to enlighten the modern historian as to whether any further sanctions were imposed upon the Lord of the Isles and his brother.<sup>195</sup> The silence thereafter with regard to the problems in the north, was probably occasioned by the subsequent threat to national security when the earl of March defected to England in the spring, and the new Lancastrian king began preparations to invade the Scottish kingdom soon after. The fact that a safe-conduct was issued to John Mor and his illegitimate half-brother, Donald, just prior to King Henry's Scottish campaign, is generally taken as evidence for the lordship's opposition to the Scottish crown.<sup>196</sup> However, it is more likely that this contact with the English crown was less relevant to Scottish domestic politics than it was to John's position as commander of the Hebridean gallowglasses in Ulster. During John's exile in Ireland, and after a brief dalliance with the O'Neills, he had come into the then English king's peace and volunteered his services as Constabularius Hibernicorum Ultonie, at Drogheda in 1395.<sup>197</sup> This fact, together with his subsequent marriage to the Bisset heiress and acquisition

of the lordship of the Glens of Antrim, ensured that John became an important political and military consideration for an English government seeking to maintain their control over the volatile Irish lordship.<sup>198</sup> Further, on the accession of Henry IV, the new king was made painfully aware of the deteriorating situation by a letter from the Irish council, which detailed the rebellious character of the local Irish chiefs, including the O'Neills.<sup>199</sup> A full-scale rebellion in Ulster would not only have served as a distraction from King Henry's planned campaign in Scotland, but it would have also hampered his western supply routes, a necessary prerequisite for the victualling of the immense army that had been arrayed.<sup>200</sup> In this respect, the prospective meeting between John MacDonald and the earl of Northumberland, who had recently received the strategic island-lordship of Man, was an obvious preamble to the planned invasion. In any case, the extreme brevity of King Henry's time in Scotland indicates that even if co-operation from John and his gallowglasses was anticipated, it was certainly not forthcoming.<sup>201</sup> Indeed, three years later, the Hebridean gallowglasses abetted a rebellion of the eastern Irish chiefs which 'threatened the very existence of the Ulster colony'.<sup>202</sup> If it can be claimed with some measure of conviction that the lordship was not involved in a treasonable conspiracy against the Scottish crown, it is less certain whether the Lord of the Isles was behind the problems facing Alexander Leslie, the young earl of Ross.

By the terms of the Countess Euphemia's divorce from the earl of Buchan in 1392, it is evident that the latter lost possession of the lands granted to him in liferent at the time of his marriage ten years earlier. This is manifest by the fact that the new earl of Ross retained control over Dingwall Castle, together with lands which were part of the Ross patrimony but outwith the earldom proper, including Strathglass in Nairn and the barony of Fithkill

in Fife. Moreover, Earl Alexander appears also to have retained the support of Walter Ross, who had succeeded his father as lord of Balnagowan by 1394.<sup>203</sup> Nevertheless, given the financial difficulties encountered by Alexander after his mother's death, it must be questioned whether he ever had full possession of his vast inheritance. In February 1401, the earl of Ross was forced to sell lands in his barony of Kincardine to his kinsman, George Leslie of Rothes, for the sum of 200 merks, which was 'to be paid to the earl in his great need, to satisfy the king for the relief of the earldom of Ross, as well as for his other lands'. This was probably the rationale behind his earlier resignation of the barony of Fithkill, to the same lord of Rothes, and indicates that Earl Alexander was not receiving all the income that could be had from his dominions.<sup>204</sup>

Of course, if the Sleat sennachie is to be believed, the Lord of the Isles already held sway over the kindreds of Wester Ross, and it is possible that this influence extended to other Ross lands in northern Argyll, and perhaps also to the lordship of Skye, which had been claimed by Donald's father during the intrusion of Edward Balliol.<sup>205</sup> However, the most valuable appurtenance of Ross was the earldom of Buchan, and while Alexander Stewart had retained the title, presumably as a face-saving device, actual control over the barony of Kingedward, which comprised the bulk of the earldom of Buchan, had been exercised by the Countess Euphemia and her son even before the divorce was finalised.<sup>206</sup> Regrettably there are no extant charters to indicate whether Alexander Leslie retained control over Buchan, nor is there any evidence to suggest that the Lord of the Isles attempted to intrude upon his brother-in-law's north-eastern domain at this stage, although it is known that Donald's kinsman, Angus MacDonald, was intent upon usurping the earl of Buchan in his other territories in Sutherland, Caithness and



elsewhere.<sup>207</sup> The very least that can be said is that the MacDonald chief maintained a close interest in the fate of Ross and Buchan, following the death of Alexander Leslie in his 'young age' in May 1402.<sup>208</sup>

As grandfather of Euphemia, the Ross heiress, and guardian of the realm since May 1402, following the death of the duke of Rothesay in March, it was probably not unexpected that the duke of Albany would assume control over the earldoms of Ross and Buchan. According to traditional sources, the duke of Albany installed a man known as the 'Black Captain' as custodian of Dingwall Castle in 1402, while, the following year, he was instructing 'our' bailie at Kingedward to pay the second teinds due from the ward of the barony to the bishop of Aberdeen.<sup>209</sup> That this bailie was none other than Alexander Keith, the guardian's own brother-in-law, must have raised suspicions within the MacDonald lordship that the Albany/Keith alliance was contemplating a longer-term agenda for both Buchan and Ross, particularly as John Stewart, the eldest son by the duke's marriage to Muriella Keith, had recently been initiated as a north-eastern landowner.<sup>210</sup> It is significant, however, that although Albany was clearly exercising a measure of control over the Ross inheritance, he was careful to observe the feudal niceties, and is not noted as 'lord of the ward of Ross' until after the death of his brother, the earl of Buchan and erstwhile lord of Ross, in the summer of 1405.<sup>211</sup>

Whether this circumspection made any impression upon the Lord of the Isles, who was, after all, the uncle of the orphaned Euphemia Ross, is uncertain, but it may be relevant that the most celebrated act of violence in the Highlands around this time, was perpetrated by Alexander of Lochaber when he attacked Elgin at the beginning of June in 1402. Although this hostile act was probably directed against the bishop of Moray - who then promptly

excommunicated him - it is not too implausible to suppose that this assault was part of a wider phenomenon which troubled the north. Indeed, when the lord of Lochaber presented himself at Elgin for absolution in October, he appeared at the head of a 'great army', in contravention of an earlier parliamentary statute directed against the size of retinues.<sup>212</sup> The need for the lord of Lochaber to flaunt his superior man-power in this way most probably derived from the reappearance of the earl of Buchan's illegitimate sons, following their release from royal custody. It is known that at least one of them, Alexander junior, was of sufficient political stature to be considered by William Lindsay, lord of the Byres, as an appropriate ally in the latter's campaign to recover lands from the Douglas inheritance, in March of the following year.<sup>213</sup> If Alexander Stewart's influence extended to his father's lordship of Badenoch, it is not inconceivable that he entertained other pretensions as his father's son, thereby resurrecting the antagonism which had prevailed between the earl of Buchan and the MacDonald lordship. Certainly, the difficulties then facing the custumars of Inverness paints a picture of generalised disruption in the north-eastern Highlands, which may not have been the exclusive responsibility of the philandering lord of Lochaber.<sup>214</sup>

With the avenues of Ross and Buchan closed to him by the dominance there of the Keiths and his own uncle, it is possible that Alexander Stewart turned his attention to that other prize of the north-east, the earldom of Mar, particularly given the opportunities afforded by the death of Malcolm Drummond, lord of Mar, and the removal of other potential rivals following the battle of Homildon Hill, which saw the demise of Sir John Swinton, husband of Margaret, countess of Mar, and the capture of the earl of Moray, Sir Thomas Erskine and his son Robert, both of whom had pursued a claim to half of Mar since 1391.<sup>215</sup>

According to Wyntoun, Malcolm Drummond, the husband of Isabella, countess of Mar, had died in prison 'in hard penawns', and although he recoils from naming those responsible, suspicion must fall upon Alexander and his uncle Albany, both of whom were held in high regard by the prior.<sup>216</sup>

However, at least one historian sees sole culpability lying with the duke of Albany, who together with his confederates, the Keiths and the earl of Crawford, claimed immediate control of the Countess Isabella and her earldom. Thus, Alexander's subsequent intrusion into Mar and his carefully contrived marriage to the widowed countess in August 1404, is viewed as a 'spectacular coup' against the Albany triumvirate, all of whom supported the Erskine claim to Mar.<sup>217</sup> Certainly, during the ceremony which was enacted outwith the gates of Kildrummy Castle in December 1404, the Countess Isabella was careful to claim that she had 'chosen' her new husband freely, and was not acting under any compulsion when she handed over the keys of the castle to the said Alexander, a statement which suggests that the new earl of Mar had, in fact, employed the same tactics favoured by the lord of Lochaber and his kin, and gained control over Isabella and her earldom by force.<sup>218</sup> Yet, while Alexander may have out-manoeuvred his rivals in Mar, his earlier indenture with the lord of the Byres, the earl of Crawford's uncle and the Marischal's son-in-law, and the fact that this agreement was endorsed with the seal of Sir William Cranstoun, whose father had enjoyed close associations with the Lindsays and Malcolm Drummond, suggests that Alexander was not a novice to the political intrigues surrounding Mar, and may indicate that his intrusion was not so precipitate as is generally portrayed.<sup>219</sup>

However, even if the duke of Albany and his allies were forced to reach some form of accommodation with Alexander



during the captivity of the Erskines in England, it is unlikely that they were particularly enamoured with the terms by which the Countess Isabella conferred the earldom of Mar upon her new spouse. The earldom was entailed upon Alexander and his heirs, which effectively excluded Sir Robert Erskine, whose late father had based his claim on his wife's descent from Helen of Mar, the daughter of Earl Gartnait.<sup>220</sup> This arrogant presumption was remedied by the crown's intervention before December 1404, when Isabella's grant was re-drawn with a new entail to her heirs alone, allowing the claims of Sir Robert to be re-instated after the death of Alexander. These new arrangements were ratified by Robert III in January 1405, with the exception of the barony of Cavers, which was then the subject of a dispute between James Sandilands of Calder and Archibald Douglas, the Countess Isabella's nephew.<sup>221</sup> In August 1405, Cavers was granted to David Fleming, lord of Biggar, together with the office of sheriff of Roxburgh, and the fact that this royal grant was given the earl of Mar's approval in an indenture with Fleming, and witnessed by the duke of Albany and the earl of Orkney, indicates that, whatever the circumstances of Alexander's intrusion into Mar, he was fairly promptly welcomed into his uncle's political fold.<sup>222</sup> This was also true of the earl of Crawford and even Sir Robert Erskine, the latter being noted as the 'confederate' of the new earl of Mar by April 1406.<sup>223</sup>

However, with the death of Robert III in April 1406, the new governor and his political allies were left with almost an unworkable legacy in the north. In reality, the new earl of Mar was only one in a long line of outsiders who had been imposed upon the north-east by a succession of monarchs intent on excluding the MacDonald lordship from this politically-sensitive region. The rationale behind this discrimination is unlikely to have derived from what many modern historians view as a cultural

dichotomy between the English-speaking and Gaelic-speaking Scots.<sup>224</sup> As Grant has repeatedly indicated, the dissociation between magnatial titles and their territorial foundations was a phenomenon that had begun in the late fourteenth century and continued apace thereafter, creating such titular anomalies as the earls of Crawford and the dukes of Albany.<sup>225</sup> In contrast, the Lords of the Isles had never lost this association, and continued to base their political and military strength on a Hebridean empire which had been built up around their original lordship of Islay. Such constancy gave the Lords of the Isles an undoubted advantage in terms of man-power, a point which cannot have been lost on their lowland colleagues.<sup>226</sup> This military superiority may well have cultivated a climate of fear and mistrust, and could have been directly responsible for the nervous exhortations of the Three Estates when Robert III appeared ready to relax the discriminatory policy which the Lords of the Isles had previously been forced to endure.<sup>227</sup> It was this political baggage that was carried forward into the governorship and was to determine the fate of the earldoms of Ross and Buchan.

Local anxiety over the fate of Buchan had already been manifest by the actions of the lord of Philorth in October 1405, when he sought royal confirmation of the Buchan lands which had been granted to him thirty years earlier by Walter Leslie, as lord of Ross.<sup>228</sup> Likewise, Sir Henry Preston, who had gained control over the nearby lordship of Formartine from the co-heiresses of his brother-in-law, James Lindsay of Crawford, obtained royal ratification of his lands in the preceding month.<sup>229</sup> Unfortunately, there are no other charters concerning the earldom of Buchan at this time to indicate the precise status of the earldom after the death of the last earl, but from a transaction dated the following year, it is clear that the duke of Albany regarded Buchan as falling to him by inheritance.

In a charter given at Aberdeen on 20 September 1406, Albany, as earl of Buchan, conferred the title upon his son, John Stewart, then rather adroitly ratified his own grant two days later in his capacity as governor of the realm.<sup>230</sup> The questionable legality of Albany's authority to confer an earldom has already been broached in a previous chapter, and, in this respect, it is probably no coincidence that this grant was not made until after the death of Robert III and his brother's appointment as governor.<sup>231</sup> Moreover, the fact that this charter was given at Aberdeen, far-removed from the centre of government, suggests that the new governor was not unaware of his constitutional limitations. Nevertheless, even although the conferment of a comital title was probably outwith the governor's remit, in a very practical sense Albany was merely continuing the policy which had been pursued since at least the reign of Robert I, by ensuring that this strategically-placed domain remained under the control of a magnate who was bound to the crown by the ties of kinship and loyalty, regardless of the availability of a more local candidate. However, this political pragmatism was not without its pretensions, given that the fate of this earldom, and possibly Ross as well, had been pre-determined by the governor and his ally, the Marischal, if not from 1380 when Albany married Muriella Keith, then certainly during the next decade when their combined political skills contributed to the marginalisation of the then earl of Buchan and lord of Ross, Alexander Stewart, senior.

Naturally, the Marischal was at Aberdeen in September 1406 to witness the culmination of his political ambitions, but the other magnates present would seem to indicate that the landed interest in the north-east did not regard this latest earl of Buchan as too unpalatable a prospect. In light of his previous association with the duke of Albany, the inclusion in the witness list of David Lindsay, the



earl of Crawford is no great surprise, but the implicit approval offered by others, viz. Sir William Hay, the Constable, Sir Alexander Fraser, lord of Philorth, and Sir Henry Preston, lord of Formartine, suggests that the governor's determination to circumvent his strictly-limited authority did not deter those magnates most directly affected by this transaction. However, it should be noted that Sir William Hay, who like the Keiths held lands in Buchan which were once part of the vast Comyn empire, had recently been granted the relief due from his inheritance, following the death of his father, Thomas.<sup>232</sup>

As for the lord the Philorth, both he and the duke of Albany had supported the lord of Crawford's claims to Buchan, and, together with Sir Henry Preston, most probably welcomed the stability offered by the governor's control over this earldom. Yet, while some semblance of constitutional propriety was served by the attendance of the chancellor, the bishop of Aberdeen, the complete fabrication of another witness, the earl of Mar who was then in London, demonstrates the extent to which the governor both required and craved endorsement of his actions.<sup>233</sup>

The reaction of the earl of Mar to this artifice upon his return to the Scottish court later that year, is unlikely to have been favourable. The chronicler Walter Bower testifies to the personal dynamism of Earl Alexander, and it is distinctly possible that he entertained further ambitions with regard to the Highland hegemony once enjoyed by his father, despite the constraints of his illegitimacy.<sup>234</sup> It was, thus, probably around this time that the governor entered into an indenture with his nephew, in an attempt to appease his undoubted displeasure. By the terms of this agreement, the earl of Mar was authorised to act as the governor's deputy with the 'power to be steadhaldand', and in return the governor was bound to maintain and support his nephew in his own

position.<sup>235</sup> Unfortunately, this indenture is only known from the compact that Mar later made with Duke Murdach in November 1420, but it must be assumed that Earl Alexander obtained the governor's collusion for his personal agenda as part of the price for his acceptance of John Stewart as the new earl of Buchan. However, implicit within this bond of maintenance was the acknowledgement of Albany's superior authority as governor, and the careful wording of Mar's later indenture with Murdach, makes it clear that Duke Robert did not allow his nephew free rein to assume all that had been his father's mantle, particularly with regard to Badenoch, Urquhart and Strathaven, although all three baronies, together with Bona, were eventually to be included in the impressive dominions amassed by Mar and his illegitimate son, Thomas.<sup>236</sup> Notwithstanding the governor's attempt at curtailment, the earl of Mar's impressive interests throughout the north-east, including the barony of Crimond in Buchan, presented John Stewart with a potentially formidable opponent.<sup>237</sup> Indeed, one historian has suggested that John Stewart's title was little more than nominal, and that the Buchan lands granted to him in barony only extended to the symbolic tract of land known as 'Earlshill', together with one or two other interests such as Andet in the parish of Methlick, and patronage over the church at Turriff.<sup>238</sup> Certainly, the lands primarily associated with the Buchan title, i.e. the barony of Kingedward, were not ceded to John until 1415, and even then, the few charters granted by the earl over the next nine years were invariably place-dated in either Perth or Edinburgh, suggesting that the earl of Buchan was very much an absentee landlord with limited influence over his supposed domain.<sup>239</sup>

Some attempt to remedy the anomalous situation facing John Stewart was made by his maternal grandfather, Sir William Keith, whose grants of lands included the lordship of Aboyne, to the south-west of Aberdeen.<sup>230</sup> His own father,

the governor, had already ceded the office of chamberlain to John earlier in the year, greatly boosting the lord of Buchan's annual income, and there is also the possibility that the duke's detention of the relief due from the Buchan barony of Aberdour in 1408, may have been part of an attempt to bolster his son's standing in the north-east.<sup>241</sup>

Yet again, however, the exchequer accounts for Inverness reveal the fact that the governor's settlement for the north did not find universal favour. As at least one study has pointed out, a precedent for the female succession to Ross had already been established during the reign of David II, and, in this respect, the Lord of the Isles might have anticipated that either Robert III or the governor would offer some acknowledgement of his wife's close kinship to the Ross heiress.<sup>242</sup> But, within the grant of Buchan to John Stewart, a male succession was firmly re-instated, with an entail to John's brothers, Andrew and Robert; the earldom returning to their father and his other heirs if this line failed. In addition, the lucrative wardship of the remainder of the Ross inheritance also remained resolutely under the control of the governor during the minority of Euphemia Leslie, who, according to the Sleat sennachie, was kept securely within her grandfather's household.<sup>243</sup>

Another traditional source of a similar date, relates that the nephew of the Lord of the Isles, Hector Maclean of Duart, was employed as Donald's emissary 'towards the governor for his earldom of Ross'. The fact that Hector was granted a safe-conduct by Henry IV of England in August 1407, 'to come to the King's presence and have colloquy with the King of Scotland', has been interpreted by some historians as an attempt by the Macdonald chief to conspire against the governor to gain control over Ross.<sup>244</sup> Such a conspiracy would certainly have represented quite a



propaganda coup for King Henry, who, in referring to James as king for the first time during his captivity, was clearly manipulating the issue of sovereignty to suit his own ends.<sup>245</sup> However, there was little expectation that James would be released at this stage, and, according to the MacDonalds' own sennachie, the young king was then 'at enmity with the Lord of Isles' by reason of an unspecified dispute between the lordship and the Mures of Rowallan, the late Sir Adam Mure being James's great-grandfather.<sup>246</sup> In any case, the only tangible outcome of Hector's visit was a reciprocal English commission, comprising the Irish bishop of Down and Janico D'Artasso, a Gascon squire much involved in the English government in Ireland, who were authorised to negotiate a peaceful settlement between England, Ireland and the Isles.<sup>247</sup> The continuing disruption in Ireland played a not insignificant rôle in the financial problems identified by King Henry's council in 1406, and both they and the special auditors then appointed would have been anxious to pursue any settlement which lessened the drain on the English exchequer. Indeed, the complicity of John Mor, the brother of the Lord of the Isles, and of D'Artasso himself, in these Irish rebellions, was to be the subject of a pardon offered by the English king as late as April 1410.<sup>248</sup> As to the assumption that the Lord of the Isles then attempted to cultivate the influence of King James by sending his chaplain, John Lyon, to England in June 1411, this is based on a spurious foundation. As was seen in the previous chapter, Lyon had been with the king since the beginning of his captivity and was frequently employed as the bearer of James' correspondence to the Scottish court. On this particular occasion, Lyon did not return to Scotland until well after the battle of Harlaw.<sup>249</sup>

Moreover, the assumption that the MacDonald chief coveted Ross from the very beginning because he and his wife later assumed the title, ignores the fact that Buchan was the

most lucrative portion of the Ross patrimony, and that John Stewart was not accorded the full title of earl with any consistency until after the battle of Harlaw. Further, there is evidence to suggest that while the earl of Mar may have accepted John Stewart's elevation to the title of Buchan, it was the former who exercised his own particular brand of lordship over this north-eastern domain. By 1409, Mar's brother, Andrew Stewart, had gained a foothold in the lands of the barony of Kelly, just south of the River Ythan, and during the period before King James's return from captivity, it was the Irvines of Drum, the lord of Forbes, and the Ogilvies, all close associates of the earl, who gained the most from John Stewart's lax lordship.<sup>250</sup> In addition, Mar's undoubted interest in Urquhart and Bona, both of which had previously been in the possession of Alexander of Lochaber in the 1390s, must have served as further provocation to the Lord of the Isles and his kin. Alastair Carrach, who had succeeded his father, the lord of Lochaber, by September 1406, would have regarded Mar's later interference in the ecclesiastical affairs of the church of Kilmonivaig in Lochaber, as definitive evidence of Earl Alexander's antagonistic intent.<sup>251</sup> It is true that the majority of this evidence post-dates the battle of Harlaw, but the fact that the Lord of the Isles regarded the earl of Mar as his main rival in the north-east is given credence by the Pluscarden chronicler, who makes the rather bald statement that the battle of Hawlaw was a fight between Donald and Earl Alexander. Writing from within the confines of a Morayshire priory, and therefore close to the events of 1411, the Pluscarden chronicler offers a rather more simplistic version of the rationale behind the battle than the more alarmist and inflated account of his Lowland colleague, Walter Bower.<sup>252</sup>

As to the battle's immediate inspiration, the Sleat sennachie's account discusses Donald's frequent petitions

to the governor concerning Ross, within the context of Euphemia's resignation to John Stewart, which did not take place until 1415.<sup>253</sup> It is not inconceivable, therefore, that the Lord of the Isles had made earlier representations regarding Buchan, and it is notable that although John Stewart was not consistently styled earl until after 1411, the earliest instance of his assumption of that title came during the continuation of a General-Council held at Perth in July 1410.<sup>254</sup> The interval between July 1410 and the next General-Council in March 1411, would have allowed Donald to make one final legitimate effort to gain acknowledgement of his wife's position as the true heiress to the Ross inheritance after her niece Euphemia. This, the last Council before the battle, was well-attended and at least some of the business conducted concerned the lands of Buchan, and the Lord of the Isles may have used this opportunity to present his own claim to this earldom.<sup>255</sup> Donald's response to the governor's refusal - 'he would either lose all or gain the earldom Ross' - smacks of literary licence, and it may be that the Lord of the Isles could have been appeased by some lesser show of deference, rather than the Ross inheritance in its entirety.<sup>256</sup> Moreover, the failure of Donald's petition also represented a failure of his own lordship, particularly if it is accepted that he had based his claim to the leadership of the MacDonald kindred on closer links with the crown. By 1411, this policy had produced no tangible results, and thus, the enormity of Donald's actions at Harlaw could be interpreted as an attempt by an embittered and unfulfilled magnate, who was forced to resort to the tactics employed by his ancestors to regain credibility in the eyes of his own kinsmen.

The diverse accounts of Donald's preamble to Harlaw, including his seizure of Dingwall Castle, the sacking of Inverness, and his subsequent progress through Moray and Strathbogie to the Garioch battlefield, though not all



contemporary and often emotive in style and content, bear witness to the problems facing the MacDonald chief within his own lordship and offer some insight into the chronology of his campaign. According to the MacDonald sennachie, Donald's forces were deployed in three main sections, with the Lord of the Isles leading the majority of the islesmen in the central phalanx, while the two outlying wings were assembled under the command of Hector Maclean of Duart and Malcolm Mackintosh. The enmity between Donald's two chief captains is evidenced by the fact that the Lord of the Isles was compelled to cede lands in Lochaber to Mackintosh, as consolation for yielding the honours of commanding the more prestigious right flank to his rival, and to prevent any quarrel between him and Maclean.<sup>257</sup> Evidence from numerous petitions to the papal curia attests to continuing friction within the lordship, and there are many references to internal wars and the depredations committed by 'noble and powerful laymen' throughout the diocese of Argyll. While these petitions undoubtedly contained a certain amount of exaggeration, it should be noted that, in May 1403, a marriage dispensation for Anna MacLeod and Lachlan Maclean was sought on the grounds that it would 'prevent dissension and unrest in the lands of the nobleman, Donald, Lord of the Isles'.<sup>258</sup>

Thus, if Donald's military campaign in the summer of 1411 can be viewed partly as an attempt at social imperialism, the vast numbers of clansmen drawn to his banner must be interpreted as a measure of this policy's success. While Bower's account of Harlaw relies heavily on second-hand information, and his claim that Donald had 10,000 men at his disposal appears somewhat unlikely, the MacDonald sennachie's assertion that the Lord of the Isles was able to raise nearly 7,000 does correlate with Bower's later assessment of the numbers commanded by the Highland chiefs during the northern campaign of King James in 1428, when

the abbot himself was probably present.<sup>259</sup> Furthermore, the ranks of Donald's army were immeasurably augmented by some of the kindreds from within Ross, and included the influential Mackenzies, who had already assisted the lord of the Isles in suppressing his brother's revolt. Also within Donald's camp was a smattering of Munroes, and in this respect it is significant that the captain installed in Dingwall by the governor in 1402, is reported to have been killed earlier by Thomas Munro, a younger son of Robert Munro of Foulis.<sup>260</sup> The involvement of these two prominent kindreds in an assault against the crown's agent in the north is testimony to the level of disenchantment within the region, and was undoubtedly inspired by the policy of successive monarchs, including the governor, to impose their own preferred candidates upon the province. It is also possible that the Mackenzies et al. had been galvanised by the defection of Walter Ross of Balnagowan, whose influence within Ross as the male heir to the last native earl should not be underestimated. Although the involvement of Walter in the battle of Harlaw is not mentioned by the Sleat sennachie, despite its propaganda value, the summons of the lord of Balnagowan to the presence of the governor in the following year on charges that he had offended both the duke and the state, must surely point to Walter's complicity in Donald's campaign, and may explain the ease with which the Lord of the Isles is reputed to have effected the submission of the inhabitants of Ross even before the battle proper.<sup>261</sup>

As to the precise chronology of Donald's progress from within his own lordship to the heartland of Ross, at least one account implies that the Lord of the Isles' seizure of Dingwall Castle was a fairly recent preliminary to his confrontation with the earl of Mar in the summer of 1411.<sup>262</sup> Indeed, two other versions assert that Donald gained possession of the castle by killing the then custodian, Rorie-Gald Mackay, a brother of the chief of

the Sutherland Mackays, and thereafter remained in possession for only ten months, before the castle was recaptured by the duke of Albany at the end of 1411.<sup>263</sup> If Donald took Dingwall during the winter of 1410/11, this would correspond with the thesis of one historian who, in constructing the events which preceded Harlaw from a variety of sources, places the earl of Mar at Inverurie in January 1411, and co-ordinating a military response to Donald's anticipated advance southwards.<sup>264</sup>

Apart from his long-standing associates, Alexander Ogilvy, the sheriff of Angus, Irvine of Drum, and the lord of Forbes, the earl of Mar had in his company several Aberdeen burgesses and 'all those whom he could have from Mar, Garioch, Angus and the Mearns'. The composition of Mar's army is taken from Bower's rendering of the events of 1411, and although the abbot notes that 'nearly all the gentlemen of Buchan' were amongst the battle's casualties, his inability to identify any of these men, together with the complete absence of any reference to John Stewart, the earl of Buchan, suggests that the Buchan contingent played a negligible rôle in the proceedings.<sup>265</sup> It is, of course, possible that Bower's preoccupation with the armies of Aberdeenshire and Angus merely reflects the bias of his source, but it is perhaps no coincidence that there is no extant documentary evidence either to contradict this bias, or to enlighten the modern historian as to who these Buchan gentlemen might have been.<sup>266</sup> Admittedly, the Sleat sennachie makes a perfunctory mention of the earl of Buchan, and cites the involvement of Sir William Keith and Sir Thomas Hay, both of whom held lands in Buchan, but is the only narrative source to do so.<sup>267</sup> In fact, it is questionable as to whether the earl of Buchan took any part in the battle at all.

It is known that John Stewart was with his father at Edinburgh on 26 July, which, if he was indeed present at



Harlaw, conjures up the rather unlikely scenario of a journey of over 100 miles within a single day, after an exhausting battle of bloody attrition which is reputed to have endured from dawn to dusk on the 24 July.<sup>268</sup> The MacDonald sennachie claims that Donald did not wish to give battle near Inverness as he was disinclined to allow his own men to pillage and forage 'in his own county of Ross'. It could be argued that the Lord of the Isles opted to make his progress south through Speyside directly to Aberdeen, in order to avoid Buchan for the same reasons.<sup>269</sup> This would correspond with Mackay's premise regarding Donald's interest in this most prized portion of the Ross patrimony.<sup>270</sup> Further, as with the earldom of Ross, there is also the possibility that Donald had already gained some tacit acknowledgement of the validity of his claims from within Buchan, given the fact that after the battle the lord of Philorth and his brother, John Fraser of Forglen, endured the systematic privation of some of their most valuable lands to the exclusive benefit of Mar's associates, and could be construed as a form of censure against the equivocal stance of these two Buchan magnates.<sup>271</sup> In this respect, far from allowing Bower's assertion that Donald was bent upon the subjection of all the lands north of the Tay, it is more likely that his advance through the province of Mar and the Garioch towards Aberdeen, was purely a punitive expedition directed against Alexander Stewart, his main rival in the north and the man who posed the greatest threat to any hopes that Donald might have entertained with regard to Buchan.<sup>272</sup>

While arguments over the numbers of casualties sustained by each side at the battle are largely academic, the differences in opinion as to whom must be assigned victory is less so. In general, the Lowland chroniclers allow victory to Mar, while the Highland sources are vehement in claiming that honour for the Lord of the Isles. A similar

cultural dichotomy emerges in the divergent views of modern historians, though the final word is often left to John Major, whose assertion that there were no victors is generally cited as evidence for his precocious skill as an objective historian.<sup>273</sup> As for Wyntoun, who was as disparaging of the activities of the Highlanders as he was fulsome in his praise of the chivalric adventures of the earl of Mar, he avoids the opportunity to combine these two elements in further commendation of his hero, by concluding his chronicle three years before the battle took place. Yet, even though his opponent was the undisputed victor in the eyes of the MacDonald historian, both he and other narrative sources attest to Donald's withdrawal to his lordship immediately after the battle.<sup>274</sup> No mention, however, is made by the Sleat sennachie of the military response by the governor in the autumn of 1411, when he assembled a force and marched north to Dingwall Castle, where control was regained and a garrison of local militia was installed under the command of a chastened Munro of Foulis.<sup>275</sup> No contact was made with Donald at this time, but it was probably during a Council held in November after the governor's return, that arrangements were made for a further campaign to the western Highlands in the summer of 1412, to enforce the submission of the Lord of the Isles.<sup>276</sup> This appears to have been achieved without the need for any military engagement, as Bower records only that the Lord of the Isles submitted to the governor at Lochgilp, and offered oaths and hostages 'to keep the king's peace'. Although there is one tradition that a small monument by Lochgilp commemorates the 'Treaty of Polgillip', the Sleat sennachie omits any reference to Donald's submission and a later treatment of MacDonald history rejects that any such ceremony ever took place.<sup>277</sup>

Whether any formal submission was extracted or not, it is undoubtedly the case that Donald did not seize the opportunity to engage the governor in any military



confrontation. In this respect, however modern historians attempt to portray Harlaw as the culmination of a family feud, the duke was, in his capacity as governor, the personification of the crown during the captivity of King James, and this may account for Donald's reluctance to do battle with what was essentially a royal army. As pointed out by Grant, though Fordun depicts the Highlanders as 'savage and untamed', he goes on to state that they were generally 'obedient to their king and their country'.<sup>278</sup> That the divisions between Highlander and Lowlander were linguistic rather than political is taken up by Bannerman, who notes that within the contemporary genealogy of the MacDonalds, there is a strong identification with the Scottish nation and the king as their patriarchal head.<sup>279</sup> Thus, it could be argued that loyalty to the crown, and the methods employed by the Clan Donald to realise their 'expansionist dynamic', were not viewed by those within the lordship as mutually exclusive.<sup>280</sup> Notwithstanding these observations, however, the gravity of Donald's actions in the summer of 1411 cannot be underestimated. In one account of the battle's preamble, Fraser of Lovat responds to the Lord of the Isles' call to arms by warning that 'England was ready to step in upon the least breech of our intestin jaws'.<sup>281</sup> That contemporary perceptions concurred with this reputed dialogue is evidenced by the cancellation of the exchequer audit in 1411, the recall of an embassy to France and the papal curia ex magna causa, and the waiving of relief for the heirs of those killed in battle, a concession previously preserved for conflicts of national importance, such as Bannockburn.<sup>282</sup>

Unfortunately for the Lord of the Isles, a further repercussion of Harlaw was that it elevated the usefulness of the earl of Mar in the eyes of the governor and his Council, and allowed the earl even greater latitude in his rôle as the crown's main agent in the north. After Harlaw, Mar was given what appears to be unlimited responsibility



in the campaign to pacify the Highlands, including responsibility for the rebuilding of Inverness castle, and the vast sums of money that accrued to the earl as a result of this reliance has been calculated by one historian as totalling over £3,500.<sup>283</sup> Moreover, as discussed earlier, it was the earl's closest associates who gained most from Harlaw. These associates included Irvine of Drum and the lord of Forbes, both of whom had supported Earl Alexander's intrusion into Mar in 1404. Indeed, it was Irvine's heir and the lord of Forbes who were the immediate beneficiaries of the action taken against William Fraser, lord of Philorth, and John Fraser of Forglen, both of whom appear to have made some tentative acknowledgement of Donald's claims to Buchan. In December 1411, John Fraser resigned his lordship of Forglen - sited just to the west of Turriff - to his feudal superior, the abbot of Arbroath. The involuntary nature of this resignation is evidenced by an assize held in January 1414, where Fraser's heir unsuccessfully disputed Alexander Irvine's possession of the said lordship.<sup>284</sup> As for Sir William Fraser, within three months of the battle, he was forced to yield control over certain lands in Kingedward, part of his Buchan lordship of Philorth, to another of Mar's cronies, Alexander, lord of Forbes.<sup>285</sup> Further humiliation was heaped upon Sir William two years later, when he was coerced into selling his Kincardine barony Cowie, which had been in his family's possession since the reign of Robert I, to the Constable, Sir William Hay, one of Earl Alexander's captains at Harlaw.<sup>286</sup> Alexander Ogilvy, the sheriff of Angus and commander of Mar's left flank during the battle, did not gain directly from the disfavour endured by Fraser of Philorth, but benefitted immeasurably from his association with the earl of Mar, making such acquisitions as the Banff thanage of Glendowachy, noted as the inheritance of Euphemia, countess of Ross, in 1382.<sup>287</sup>

As the governor's deputy in the north, Mar was well-placed to ensure that his associates benefitted from his position, particularly with regard to Buchan, a phenomenon which was to gain momentum after the death of the first duke of Albany in 1420. Although Mar's illegitimacy precluded any similar formalisation for himself, his pre-eminence in Ross and Buchan is evident by his interference in the province's ecclesiastical affairs in 1413, when the accusations directed against David Seton, the archdeacon of Ross, ensured the latter's downfall and replacement by the earl's own secretary, John Inchemartin.<sup>288</sup> Nonetheless, Bower's statement, that Mar 'ruled with acceptance nearly all the north of the country beyond the Mouth', suggests that the earl's authority was neither complete nor unchallenged.<sup>289</sup> In fact, the identity of the clan chiefs drawn to the banner of the Lord of the Isles in 1411, indicates that Donald embarked upon his campaign from a position of considerable strength.

The youth of Alasdair Carrach, who had succeeded his father Alexander by September 1406, may have had the potential to compromise the position of the Lord of the Isles in Lochaber, but with the support of the Camerons of Lochiel to the west of the lordship, and the alliance with the Mackintoshes of Badenoch to the north-east, Donald was reasonably well-placed to defend his interests there. Indeed, it is possible that Donald's grant of lands in Lochaber to Malcolm Mackintosh, may have been part of a strategy to protect Alasdair's inheritance until he fully came of age, as well as ensuring the support of this clan chief at Harlaw.<sup>290</sup> This support was a serious blow to the earl of Mar, who clearly had ambitions to control the lordship which was once the mainstay of his father's authority. However, the position of Earl Alexander and his assigned heir, Thomas, was complicated by the fact of their illegitimacy, and by the constitutional limitations of the governor, which prevented any novel conferments of



either lands or titles during the absence of the king.<sup>291</sup> There was, thus, no formal grant of Badenoch to Mar and his son until after the return of King James, while during the governorship all that was left to the earl was to try and wrest de facto control from the Lord of the Isles; the latter being clearly in the ascendant by 1411.<sup>292</sup>

The position of Donald in the Great Glen, to the north of Lochaber, is less easy to divine, and it is questionable as to whether the MacDonald chief was able to retain the gains made by his brother Alexander in Urquhart and Bona, during the early part of Robert III's reign. Yet, it should not be assumed that the crown's campaign to regain control over the castles of Urquhart and Bona in 1398 was successful; as the continued disruption in and around Inverness suggests that supremacy over the northern half of the Great Glen remained in dispute.<sup>293</sup> Indeed, the rebuilding of Inverness castle as a substantial fortress with twin towers after 1411, together with the vast sums of money spent on its rearmament, indicates that the Lord of the Isles was able to sustain a military threat in the surrounding area.<sup>294</sup> In fact, a later agreement between the earl of Mar and the Governor Murdach suggests that the crown did not enjoy full control over Urquhart; while the castle of Bona, equally significant in terms of military strategy, disappears from record after until 1421, when Mar's son Thomas is noted as lord of Bona.<sup>295</sup>

It is probable that the payment made to the earl of Mar in 1412 for 'negotiations of the realm' was part of a strategy to undermine the delicate network of alliances built up by the Lord of the Isles before 1411.<sup>296</sup> The defection of Walter Ross of Balnagowan from Donald's camp was probably achieved by the governor's action in recognoscing his lands soon after the battle. Walter probably died before regaining possession of his lands, and, although the preferred alignment of his successor is



likely to have tended towards the Lord of the Isles, the early capitulation of the heir to the last native earl of Ross, must have inspired similar tergiversation amongst the other Ross kindreds.<sup>297</sup> This is particularly true of the Mackenzies of Kintail, who fought alongside Donald at Harlaw but are generally assumed to have transferred their allegiance to the earl of Mar almost immediately after the battle.<sup>298</sup> There is, however, some evidence to suggest that their defection was not so straightforward.

In 1414, a Kenneth Murchison was paid for his rôle in pacifying Ross, while the following year an Alexander Murchison and his brother enjoyed the earl of Mar's hospitality as prisoners in Inverness Castle. The editor of the Exchequer Rolls identifies Kenneth as a MacKenzie and Alexander and his brother as Mathesons, presumably to comply with the former's position as one of Mar's retainers in the early 1430s, and the continued loyalty of the Mathesons to Donald and his successor as Lords of the Isles.<sup>299</sup> Yet, there remains the possibility that either the Mackenzies were divided in their loyalties, or that Alexander and his brother were used as hostages for the good behaviour of their clan chief.<sup>300</sup> Such divisions are certainly apparent amongst the Mackintoshes, with the clan chief entering the service of the earl of Mar by 1429, while elements of his clan assembled under the banner of Alexander, Lord of the Isles, to face King James in the same year. That this breach may have occurred much earlier is manifest by a payment in 1413 to a certain Angus Mackintosh, who was rewarded for his rôle as one of the crown's captains in the north.<sup>301</sup> Thus, although the exact chronology of these desertions are difficult to divine, the earl of Mar was at least partially successful in re-animating some of the old rivalries in Wester Ross, and in diluting the support which the Lord of the Isles had enjoyed elsewhere in the Highlands.

In March 1415, Pope Benedict issued a mandate to the bishop of Moray, allowing him to annul the marriage between the earl of Mar and his second wife, the Brabant heiress, Maria de Horn. Although the annulment was not ultimately effected, the timing of this petition raises the suspicion that the young countess of Ross was being considered as a prospective bride for Earl Alexander.<sup>302</sup> Such a union would not only have seen the earl of Mar assuming a title once held by his own father, but it would also have dealt a death-blow to the ambitions of the governor, whose long-standing alliance with the Keiths had already fostered the promotion of John Stewart in the north-east. Yet Alexander's request for a divorce had been made ostensibly at the petition of the governor and 'the council of the realm'. In this respect, it is not inconceivable that, in the aftermath of Harlaw, the earl of Mar had prevailed upon the political community's reliance on him as the last practical bulwark against the pretensions of the Lord of the Isles, and offered himself as the most appropriate candidate as the next earl of Ross. That this strategy was not realised may have been due in part to the governor's lack of political will, but also to the opposition from Thomas Dunbar, the earl of Moray, who, in June the same year, received the pope's response to his own petition for the marriage of his son and heir to the countess of Ross.<sup>303</sup> As lord superior of many of the lands once held by the earls of Ross, and indeed of the few Inverness-shire estates still within the Ross patrimony, a marital alliance between the two houses would have served as a most propitious legacy for the heir of Earl Thomas.<sup>304</sup> Moreover, and perhaps more immediately relevant, the earl of Moray was undoubtedly driven by his own sense of disquiet and *déjà vu* at the prospect of the earl of Mar enjoying the same arrogant monopoly as his father, the previous earl of Buchan, particularly as this anxiety already had some basis in fact.<sup>305</sup>



It has been opined by Brown that Moray's position was encouraged by the governor as an attempt to counteract the authority of his increasingly indomitable nephew, but it cannot be certain that the duke of Albany was so overwhelmed by Mar that the only alternative he could conceive also terminated the advancement of his own son.<sup>306</sup> That is not to say, however, that the governor was averse to limiting Mar's seemingly insatiable desire for further aggrandisement by less blatant means. One year earlier, the governor appears to have approved a bilateral marriage alliance between the house of Keith and that of Fraser of Lovat. Although there was no obvious antipathy between the earl of Mar and the Keiths, it is likely that the Marischal laboured under the same apprehensions as the earl of Moray, Fraser's feudal superior, and this mutual contract could be construed as an early attempt to counter-balance the pretensions of the earl of Mar.<sup>307</sup> The only other north-eastern magnate who might have had an interest in halting the earl of Mar's political momentum was Alexander Lindsay, who had succeeded his father as the second earl of Crawford in 1407. As noted earlier, the Lindsay family probably came to some form of accommodation with Alexander Stewart around the time of his intrusion into Mar in 1404, but although the two sides appear frequently in each other's company thereafter, there is evidence to suggest that this understanding was more beneficial to the earl of Mar than it was to Crawford and his kin.<sup>308</sup>

Both Brown and Boardman emphasise the strength and stability that the earl of Mar's style of lordship brought to the north-east, and the way in which his political and military abilities inspired acceptance and then reliance.<sup>309</sup> However, there is a fine line between dependence and subservience, and there must have been some point at which both Mar's peers and the governor balked at the prospect of outright thraldom to the earl's



personal agenda. Thus, although highly conjectural, it is possible that the earl of Moray joined forces with a renascent triumvirate, comprising the governor, the Marischal, and the earl of Crawford, to block the earl of Mar's ambitions in Ross during the spring and summer of 1415.<sup>310</sup> In this respect, the entailment of the Ross earldom upon John Stewart in June 1415, could be viewed as a first tentative step on the road to his emergence as a compromise candidate who was acceptable to the north-eastern magnates, including the earl of Mar, whose political adherent, Patrick Ogilvy, witnessed the said transaction.<sup>311</sup>

This premise is in direct contrast to the version of events offered by the MacDonald sennachie, in whose mind the governor played a prominent and sinister rôle by forcing Euphemia to resign her inheritance 'much against her will'.<sup>312</sup> Certainly, for the Lord of the Isles, the new entailment now extinguished all hope that his wife's kinship to the young countess would ever be acknowledged, and the MacDonald chief appears to have responded by embarking upon yet another offensive. Unfortunately, the narrative sources offer no details, although it is known that the earl of Mar was paid £20 at the exchequer audit of June 1416, for a naval campaign 'against the islemen for the defence of the country'. As a result of this campaign, nine prisoners were taken and incarcerated in the dungeons of Inverness castle sixteen weeks before the 1416 audit, giving a date of around the beginning of March for this second major confrontation between the Lord of the Isles and the earl of Mar.<sup>313</sup> If it is assumed that Donald's offensive was in response to John Stewart's eventual assumption of his second comital title, then the dating of this confrontation not only provides chronological evidence for Euphemia's final resignation and withdrawal from public life, but it also raises broader implications with regard to the governor's mandate

for his Highland policy. The question has to be asked, therefore, whether John Stewart's promotion was merely a local solution to a local problem, or whether this latest strategy was offered to the wider political community for their scrutiny and approval.

At first glance, the conferment of Ross upon John Stewart would appear to have parallels with his assumption of the Buchan title in 1406, which was effected outwith the context of a General-Council, and only with the concurrence of the northern nobility. Thus, Euphemia's resignations were made at the governor's own castle of Stirling in the presence of the bishop of Dunblane, the duke's one-time chaplain, John Stewart of Dundonald, his natural brother, and a group of lesser knights. This apparent lack of senior magnatial approval was not rectified when the governor confirmed these transactions three days later although, as indicated above, the presence of Patrick Ogilvy, the son and heir of the sheriff of Angus, does imply that the earl of Mar had been consulted.<sup>314</sup> Nevertheless, the confirmation did take place at Perth, where many senior clerics and peers would have been gathered for the exchequer audit, and, although there is no definitive evidence for a coincidental General-Council, other business then transacted could suggest that some form of Council meeting had been continued from May, when commissioners were appointed to negotiate an Anglo-Scottish truce.<sup>315</sup> It is known that a General-Council was held in March 1416, but if the revolt of the islemen was in response John Stewart's assumption of his second comital title, the chronology dictates that the formal conferrment probably pre-dated this assembly. Indeed, the earliest extant reference to the governor's son as earl of Ross was at Stirling on 28 March, and though it is not known who was present, aside from the governor and his other son Murdach, the business under discussion allows the possibility that at least a section of the northern

magnates, including the earl of Crawford's two uncles, were also in attendance.<sup>316</sup>

The fact that the governor had complained at the exchequer audits of 1414 and 1415, that he had received no recompense for his northern campaign in 1412, might suggest that the wider political community were as suspicious of his Highland agenda as many modern historians. Yet the duke had made similar representations regarding the expenses incurred while entertaining foreign ambassadors in 1406/7, indicating that this evidence on its own is not enough to infer that the governor's policy was the subject of conciliar condemnation.<sup>317</sup> Indeed, the waiving of relief for heirs of those killed at Harlaw was a concession granted by a statute of the General-Council, intimating that, in 1411 at least, the governor's Council recognised the broader implications arising from the Lord of the Isles' campaign.<sup>318</sup> Moreover, even if the governor had presented the elevation of his son as a *fait accompli* to those outwith the north-eastern circle, it is unlikely that the political community would have viewed a policy which excluded the Lord of the Isles from both Ross and Buchan with anything other than approval. The strategic importance of these two earldoms had been long recognised by Scottish monarchs, and were invariably held by magnates whose loyalty was beyond dispute, while the marginalisation of the MacDonald chiefs was to become an attendant policy during the reign of David II, if not earlier. The reversal of this policy would have represented such a radical break from past convictions, that it could not have been contemplated even by the most pretentious of regents. After the return of King James in 1424, this stance was moderated to some extent, prompting censure from his own parliament, a response which was reminiscent of parliamentary exhortations during previous reigns.<sup>319</sup> Even if, as Brown suggests, the king later allowed Donald's successor the satisfaction of the Ross



title, this was not done under the full glare of the body politic. Thus, though John Stewart's elevation to both Ross and Buchan may not have been grounded in constitutional propriety, it is probable that magnatial approval was forthcoming as an act of political pragmatism, and appears to have been accepted as such by later monarchs.<sup>320</sup>

In any case, John's promotion appears to have been a nominal facade behind which the earl of Mar continued to entertain his own agenda. As seen earlier, Mar undoubtedly supported John Stewart's title, and is known to have been present on the majority of occasions when his cousin sported his double titles.<sup>321</sup> The last known instance was in May 1417, when Earl Alexander was in attendance to witness his close political ally, Alexander of Forbes, receiving a grant from the earl of Ross and Buchan 'for his services'.<sup>322</sup> In fact, one source claims that there was a close friendship between Forbes and Earl John, which may offer some insight into the nature of the relationship between the latter and the earl of Mar.<sup>323</sup> Another link between the two men may have been provided by Alexander Seton, lord of Gordon. Although referred to by a MacDonald source as a 'friend' of the Lord of the Isles in 1411, Seton may well have succumbed to the earl of Mar's political overtures soon after. Certainly, by 1416, the lord of Gordon was happy to be in the company of one of Mar's other local supporters, Alexander Irvine of Drum.<sup>324</sup> Unfortunately, few charters have survived from John's brief *floruit* as earl of Ross to enlighten the modern historian as to who may have comprised his coterie, but Seton did witness John's earliest extant charter as earl of Buchan in January 1412, and was with Patrick Ogilvy in June 1415, when Earl John received Kingedward and was named in the Ross entail.<sup>325</sup> Seton was with the earl of Mar and his associates at Aberdeen in January 1420, and attended the earl's son Thomas in March 1421, before

accompanying the lord of Forbes on a continental excursion later that year.<sup>326</sup> As a landowner of some account in the sheriffdoms of Aberdeen and Banff, Seton's realignment represented quite a military and political coup for the earl of Mar, and this was duly recognised in January 1424, when the earl granted Lord Alexander lands in the Garioch for services rendered.<sup>327</sup>

It is perhaps no coincidence that all John Stewart's charters as earl of Buchan post-date his cousin's confrontation with the Lords of the Isles, or that the main beneficiaries of John's limited largesse were all either kinsmen or associates of the earl of Mar. Aside from the 1417 grant of lands in Aboyne to the lord of Forbes, the latter also received estates in the Buchan barony of Kingedward after 1411. One of Earl Alexander's numerous illegitimate progeny, Robert Stewart, held the church of Turriff in Buchan, over which John Stewart exercised lay patronage. Of the earl of Mar's other two associates, Alexander Irvine came into possession of Forglen and Ardgrave in Buchan, while Patrick Ogilvy acquired various other lands in the earldom from John in 1423.<sup>328</sup> It is unlikely that the governor's son relished his unwholesome dependence on his cousin of Mar, but even this was not enough to sustain his position as earl of Ross, a title which John ceased to employ after May 1417. Nor is it probable that John ever gained any practical control over any part of Ross, although he does appear to have retained possession over some of his Buchan lands and the barony of Kincardine, part of the Ross patrimony.<sup>329</sup>

The main obstacle to John's acceptance as earl of Ross was the Lord of the Isles who, according to MacDonald tradition, was not only victorious at Harlaw, but thereafter took the title of earl.<sup>330</sup> Although not strictly true, it is instructive to compare the 1415 definition of Ross, as provided by the new entailment, with that of



1382, when the lord of Badenoch married the then heiress, in order to gauge the extent of Donald's intrusion into Ross after 1411.<sup>331</sup> Notable omissions in 1415 include the lordships of Skye and Lewis, most probably reflecting the political reality of MacDonald possession of these islands. More ominous, however, was the exclusion of the Sutherland estates, a portion of which the Lord of the Isles was granting to his brother-in-law, Angus Mackay of Strathnaver, and his son Neil, in October 1415.<sup>332</sup> The Strathnaver Mackays had attempted to defend Dingwall against Donald in 1411, and their defection to the MacDonald camp thereafter might have allowed the MacDonald chief to regain control of Dingwall. Certainly, the thanage and its stronghold was another conspicuous omission from the 1415 resignation.<sup>333</sup> Although the earl of Mar had some success in diluting some of the support that Donald enjoyed in Wester Ross after 1411, it is probable that the Lord of the Isles still commanded a measure of acceptance amongst the native kindreds. The nine prisoners captured by the earl of Mar during his campaign against the Lord of the Isles in spring 1416 were all described as men of Ross, while the Munroes of Foulis, who may well have fought alongside Donald at Harlaw, most probably acknowledged the MacDonald advance long before the next Lord of the Isles formally assumed the Ross title in 1436.<sup>334</sup>

Another significant ally was gained by August 1420, when the earl of Moray recognised the position of Donald's wife, Mariota, as 'Lady of Ross', during a meeting attended by senior Ross clergy along with many other landowners in Ross and Moray. These included Hugh Fraser of Lovat, whose brother had advised Donald against his 1411 offensive, Walter Innes of that Ilk, John Ross of Kilravock, and John Nairn of Ardmurthach.<sup>335</sup> The presence of John Urquhart of Cromarty, whose forebears had long-served the earls of Ross, no doubt heartened the Lady



Mariota and her husband, as did John Sinclair, whose lordship of Deskford had been previously part of the Ross patrimony.<sup>336</sup> According to the Sleat sennachie, Donald Thane of Cawdor, another witness, bought the lands of Moy from the Lord of the Isles in 1419, and although these lands were in fact granted by the earl of Moray some time later, this assertion may well be the garbled rendering of some other transaction, and thus, could be evidence for earlier contact between the houses of Moray and MacDonald.<sup>337</sup> Further insight into the rationale behind this meeting may be divined by the attendance of Angus 'Gothrason', son of Godfrey of Uist, who, in 1401, had entered into an indenture with Margaret de le Ard, which agreed that Angus should marry her daughter, but also obliged him to help the Lady of the Ard to recover lands in Caithness, Sutherland and elsewhere, many of which were involuntarily ceded to the earl of Mar's father during the reign of Robert II.<sup>338</sup> Thus, his presence could be portrayed as a snub to the memory of Mar's father, if not to Mar himself, a point which was probably not lost on the earl of Moray. Indeed, the earl of Moray's recognition of Mariota's claim to Ross was undoubtedly due in part to his antipathy towards the brash assumptions of the earl of Mar, but may also have been a practical acknowledgement of the Lord of the Isles' advancement into Ross. In this respect, the fact that the document recording the business transacted in August 1420 was dated at Rosemarkie in the Black Isle, demonstrates that Donald had far more success in gaining acceptance in Ross than any of the recent lords of the earldom.

Perhaps, like the earl of Moray, the governor was also driven to accept the political realities in Ross, for this realisation appears to have given way to a measure of rapprochement between the duke and his nephew. According to the sixteenth century writer, Bishop Leslie, after Harlaw the Lord of the Isles was 'in a short space of time

in favour with the governor'.<sup>339</sup> Sometime before February 1418, a dispensation was granted for the marriage of Mariota, the daughter of the Lord of the Isles, to Celestine Campbell.<sup>340</sup> As Celestine was the governor's grandson, it is possible that Albany had given his approval to this union in a tentative attempt to draw the MacDonalds in to the political mainstream as a counter-weight to the earl of Mar. It is also significant that a later reference in the Exchequer Rolls cites a payment from the Inverness customs to the Lord of the Isles as being sanctioned by the Governor Murdach. Given the latter's reputed lack of political acuity, it is probable that the second governor was merely continuing a policy that had begun with his more politically-attuned father.<sup>341</sup> Indeed, Duke Robert may even have gone as far as to allow the Lord of the Isles to style himself as the unofficial lord of Ross, a title which Donald had assumed by February 1420, when the marriage dispensation for his daughter was confirmed anew by the Constance pope, Martin V.<sup>342</sup> A lack of extant documentation for the later years of Donald makes it impossible to contradict this coincidence, but it is certainly curious that even in 1415, when the Lord of the Isles was granting out part of the Ross patrimony, he eschewed any reference to his claim to the earldom.<sup>343</sup>

Thus, by 1418, it is possible that the governor feared that Mar's career would mirror that of his father, the late lord of Badenoch, if not surpass it. The indenture made between the earl and the second governor in November 1420, is generally taken to represent the unseemly delegation of authority to Mar as a characteristic of both terms of governorship.<sup>344</sup> However, close reading of this document reveals that this was not so. The careful wording of the indenture indicates that Mar's agreement with Duke Robert extended to the authority to act as his deputy, which was underpinned by a bond of maintenance. While Murdach confirmed these arrangements, he went much



further, offering Mar a half-share in the 'justry' profits from Aberdeen, Banff and Inverness, and a similar portion of the profits in Badenoch, Urquhart and Strathaven. If this had been allowed by Duke Robert, the punctilious style of the indenture dictates that it would have been mentioned. Moreover, further evidence of this novel deference to Mar is provided by the Governor Murdach's recognition of Thomas Stewart as Earl Alexander's heir in Mar and the Garioch, and by the related undertaking that Murdach's son, Walter, would not marry Janet Erskine, daughter of the lord of Erskine and a claimant to the Mar earldom, without the express consent of the said Alexander. Thus, the indenture between Mar and Duke Murdach, though ostensibly an agreement between the governor and his deputy, reads more like a list of demands and contrasts sharply with the arrangements which had pertained during the term of the first governor.

If this premise is accepted, then the new agreement with Duke Murdach may also suggest that that the earl of Mar had enjoyed little success in gaining control over his father's former domain, particularly with regard to Urquhart or even Badenoch. In this regard, although it cannot be denied that Mar prospered under the aegis of the first governor, Duke Robert was able to exercise a measure of restraint against his nephew. This is confirmed by the acceleration of the earl's authority after the death of Duke Robert in September 1420, and is manifest by the fortunes of the Lindsay family, with both the earl of Crawford and his two uncles yielding land and influence to Mar thereafter.<sup>345</sup> Before his own death on the battlefield at Verneuil in 1424, the unfortunate John Stewart continued as Mar's cipher, granting out his lands in Buchan to Patrick Ogilvy, who had then succeeded his father as sheriff of Angus, on the formulaic pretext of past and future benemeritis.<sup>346</sup>



It was also after the death of Duke Robert that Mar appears to have enjoyed greater rein in his rivalry with the Lord of the Isles. Already in 1420, Mar was to be found interfering in the ecclesiastical affairs of Lochaber, while his son and heir, Thomas, appears to have enjoyed recognition as lord of Bona, a strategic fortress to the south of Inverness, once held by Alexander of Lochaber, the father of Alasdair Carrach.<sup>347</sup> Indeed, the final years of Duke Murdach's term as governor probably witnessed a re-run of the battle between Mar's father and the late lord of Lochaber for control of the Great Glen. The numerous references in the papal records to the coincidental wars in the Western Isles, most probably reflects the destabilising effect within the MacDonald lordship of Mar's determined offensive.<sup>348</sup> According to one source, before his death in c.1423, Donald MacDonald withdrew to Iona, a retirement which might have been in recognition of his failure to sustain a hold on all of the strategic prizes won during his father's lifetime, and an acknowledgement of the futility of a lifetime's dedication to closer ties with the crown.<sup>349</sup>

Unfortunately, it is difficult to discern any obvious denouement or conclusion to the battle of Harlaw. The issues that inspired this conflict continued to be played out between Donald's successors as Lords of the Isles and those who assumed the earl of Mar's political mantle after his death in 1435. Although the Lords of the Isles were eventually to receive royal recognition for their title to Ross, what can only be described as an experimental divergence from traditional crown policy ended in failure with the final forfeiture of John MacDonald in c. 1492.<sup>350</sup>

As to when the issues that provoked the conflict of 1411 were first conceived, it was seen that the model for crown policy in the north had its origins during the reign of Alexander II, when the earldom of Ross first emerged as a

separate entity and was awarded to Farquhar MacTaggart for his services in subduing the northern rebellions. Thereafter, the reins of power in the north-east were always held by those who were bound to the crown by reason of their unremitting loyalty. This was the strategy pursued by Robert I after 1314, when his own kinsmen and favoured lieutenants were installed in the province as a reward for their support both before and after Bannockburn. Moreover, as Grant has indicated, it was also during the reign of Robert I that the attendant policy of keeping the lords of Islay at arms length and on the political 'fringes' was first inaugurated.

This was the legacy inherited by David II and the early Stewart kings, which then defined the response of the governorship to the void left by the death of the earl of Buchan and lord of Ross in 1405. Thus, it could be argued that, although the governor undoubtedly entertained his own ambitions in the north, he was merely continuing the policy laid down by previous monarchs when he elevated his son to the earldoms of Buchan and Ross. In any case, John Stewart never achieved any real control over his domains and appears to have acted as a mere cipher for the ambitions of his cousin, the earl of Mar, another northern interloper who achieved his ascendancy by antagonising his main rival the Lord of the Isles, just as his father before him had done. In this respect, the Pluscarden chronicler was probably correct to make the rather uncomplicated observation that Harlaw was a battle between Mar and the Lord of the Isles.

As to the motivation of Donald himself, his determination to consolidate his father's empire through closer links with the crown achieved no obvious results and created a measure of disenchantment amongst his own family and adherents with the direction of the lordship. This inspired Donald to embark upon a policy to circumvent the



crown's discriminatory policy which, it was hoped, would bring in more obvious rewards and appease his detractors. Unfortunately, the way in which Donald pursued this objective precludes the presentation of definitive documentary evidence for his real ambitions in the north-east. However, the documentation that is available was used to demonstrate that control over the lucrative lordship of Buchan was the ultimate goal of all those who had harboured ambitions in the region, and it is probable that Donald was no exception. This premise would help to resolve the chronological anomalies surrounding Harlaw, and explain why the battle took place in 1411 and not earlier when the future governor first assumed the wardship of the Ross heiress.

Yet this is not to understate the gravity of Donald's actions in the summer of 1411, and the fact that contemporaries viewed the Lord of the Isles as a serious threat to order cannot be ignored. Major may have been right to assign victory to neither side, but the MacDonald chief undoubtedly achieved greater success in his determination to be accepted as lord of Ross than any of those who had been imposed by the crown. However, at no time did the Lord of the Isles ever take the irrevocable step of conspiring with the English crown against the governorship, nor did Donald ever take the opportunity to engage the governor on the battlefield.

A more sinister consequence of Harlaw was to allow the earl of Mar unprecedented freedom in his capacity as the only practical bulwark against the pretensions of the Lord of the Isles. Indeed, the unhealthy reliance on Mar merely created another unwieldy power bloc in the region which threatened to undermine the very order that he had been commissioned to defend. It was this paradox that most probably persuaded the governor to attempt to introduce a greater balance in the north by using the Lord of the



Isles as a political foil to his other nephew.

In this respect, the prelude to Harlaw, the battle itself, and its aftermath, can be said to be one of recurring paradoxes, when those charged with bringing balance and stability to the north were then the architects of its undoing. Perhaps, the only conclusion that can be made with any certainty was that the balance of power in the north was an objective that was always aspired to but never achieved.

## NOTES

1. Mackay, W., The Battle of Harlaw: Its True Place in History, (Inverness, 1922)
2. Munro, J., 'The Earldom of Ross and the Lordship of the Isles', in J.R. Baldwin ed. Firthlands of Ross and Sutherland (Scottish Society for Northern Scotland, 1986), p.59.

Duncan, Kingdom, pp.196-7, 529.

3. Farquhar Mactaggart was said to have been lord of the monastery of Applecross. Ibid., p.197, n.27a.

For lands in Badenoch once held by 'Scayth, son of Farquhar', see Acts of the Lords of the Isles, no. 50; although editors identify this man as either a Shaw or Mackintosh, and not a relation of the original earls of Ross.

Barrow, Bruce, p.50.

Munro, 'Earldom of Ross', p.59.

4. Ibid., p.59.

Acts of the Lords of the Isles, p. xxix.

5. Barrow, Bruce, p.55.

Grant, A., 'Scotland's "Celtic Fringe" in The Late Middle Ages: The MacDonald Lords of the Isles and the Kingdom of Scotland' [Grant, 'Celtic Fringe'], in R.R. Davies ed. The British Isles, 1100-1500 (Edinburgh, 1988), p.123.

6. Munro, 'Earldom of Ross', p.59.

7. Ibid., p.61.  
Barrow, Bruce, p.271.

8. Ibid., p.271.  
Fraser, Sutherland, iii, no.10.  
R.M.S., i, app. i, no.8: R.R.S., v, no.196.

9. R.M.S., i, app, ii, nos. 55, 65.
10. Ibid., no.61.
11. Barrow, Bruce, p.271.
12. Ibid., p.271.
13. Ibid, p.271.  
R.M.S., i, app. i, no.5; app. ii, no.50.

Deskford was noted as part of the Ross patrimony later on in the century, but it is notable that the fourth earl, Hugh of Ross, maintained an interest in Deskford long before this time.

S.R.O., GD 52/390 : E.R., i, 416.

14. Barrow, Bruce, pp.271-4.
15. Munro, 'Earldom of Ross', p.61.
16. S.R.O. J.& F. Anderson GD 297/161,165,167 : S.P., ii, 260.  
Munro, 'Earldom of Ross', p.61.
17. S.R.O. GD 297/167.
18. Young, A., 'The Earls and Earldom of Buchan in the Thirteenth Century', in A. Grant and K.J. Stringer, edd. Medieval Scotland: Crown, Lordship and Community (Edinburgh, 1993), p.194.

R.M.S., i, app. i, no.31.

19. Acts of the Lords of the Isles, pp. xxx-i, xxvii.  
Barrow, Bruce, p.291.  
RMS, i, app. i, no.31, app. i, no.57.
20. Grant, 'Celtic Fringe', p.123.
21. Acts of the Lords of the Isles, no. 1.
22. MacQueen, 'Pleadable Brieves', p.101.



23. Nicholson, Later Middle Ages, p.131.
24. Ibid., pp.130, 140.
25. Ibid., p.138.
26. Acts of the Lords of the Isles, p.207.  
R.M.S., i, app. i, no.114
27. John of Islay and Amy MacRuari received a papal dispensation for their marriage in 1337.  
Steer, K.A. and Bannerman, J.W.M. edd. Late Medieval Monumental Sculpture in the West Highlands (Edinburgh, 1977), p.204.  
  
Grant, Independence, p.210.  
Acts of the Lords of the Isles p. xxxii  
A.P.S., xii, supp. No. 10 :Highland Papers, i, p.74.
28. Acts of the Lords of the Isles, pp. lxiv, 207-208.
29. Ibid, pp.207-8.
30. MacQueen, 'Pleadable Brieves', p.330.
31. This agreement was probably related to the conflict of interests in Skye, Lewis and other parts of Northern Argyll.
32. Chron. Wyntoun, (Laing), ii, p.472.
33. Ibid., p.472.
34. A.P.S., i, 492.
35. Nicholson, Later Middle Ages, p.155.
36. Hector, 'Pleadable Brieves' p.330.
37. Steer & Bannerman, Monumental Sculpture, p.205.  
Chron. Bower, (Watt), vii, p.361.
38. R.M.S., i, no.258.  
  
A.B.Ill, iii, 388.

39. This entailment had been arranged in 1350 'at the instance of ... the great men and nobility' of the earldom of Ross. S.R.O. GD 297/163

A son and heir was born to Earl William soon after, but he was evidently a sickly child and did not survive long. It is probable that Hugh of Philorth was re-instated as his brother's heir thereafter.  
Rot. Scot, i, 768, 814.

40. A.P.S., i, 498.

41. R.M.S., i, 258.

42. S.R.O. GD 297/194: A.B.Ill., iii, 388.  
Ane Account of the Familie of Innes (Spalding Club, 1864), p.72.

For the comparative value of Aberdeenshire lands as per the 1366 assessment, see A.P.S., i, 499, 500.

43. Ibid., p.62: R.M.S., i, 300.

44. A.P.S., i, 528.

45. Acts of the Lords of the Isles, p. lxxv.  
Nicholson, Later Middle Ages, pp. 155, 175-6, 177.

46. Familie of Innes, p.70.

47. Ibid., p.70-1.

48. Ibid., pp.70-2.

49. A.P.S., i, 537: A.B.Ill, ii, 386-7.

For the Banff lands already possessed by Leslie, see:-  
A.P.S., i, 528.

50. Familie of Innes, p.72.  
S.R.O. GD 297/176 : R.M.S., i, no.619.

51. S.R.O. GD 297/170, 171.

52. S.R.O. Munro of Foulis GD 93/6.
53. Matheson, W., 'Traditions of the Mackenzies', in T.G.S.L., xxxix-xi (1949), pp.204-5.  
Matheson's date of 1369 does not explain the anomaly in other traditional accounts which give a central role in the battle to Fraser of Lovat. See below, n.84.  
For the origins of the name of this battle, which is said to have taken place in N.W. Ross, see:-  
Watson, W.J., The Celtic Place-names of Scotland (Edinburgh, 1993), p.482.
54. Chronicles of the Frasers, p.83.
55. R.M.S., i, no. 300.
56. S.R.O. GD 297/165, 172.
57. Calender of Writs of Munro of Foulis 1299 - 1823, ed. C.T. McInnes (S.R.S., 1940), No. 8.
58. Familie of Innes, p.62.  
  
In a charter given by Hay in 1369, it is notable that Sir Walter Leslie and Sir William Dishington, both favourites of the King, appears as witnesses. S.R.O. Henderson of Fordell GD 172/121.
59. Aberdeen Registrum, i, 216: A.B.Ill, ii, 218-9.  
  
Note Banff lands, including Cullen in Deskford, held by Leslie in Jan 1368 - A.P.S., i, 528.  
  
R.M.S., i, nos. 316, 338.
60. Highland Papers, i, pp.32-3.
61. See n.42 above.
62. Grant, A., 'Celtic Fringe', p.127.
63. Familie of Innes, p.72.
64. A.P.S., i, 503, 506, 528.



65. Acts of the Lords of the Isles, no.6.
66. MacQueen, 'Pleadable Brieves', p.331.
67. S.R.O. GD 52/1562: R.R.S., vi, no.403.

For details of this rebellion, see:- Nicholson, Later Middle Ages, pp.168-70.

For Bower's comments on David II's divisive policy in the North see, Chron.Bower, (Watt),vi, p.361.

68. Familie of Innes, pp.70-2.
69. Chron. Wyntoun, vi, pp.265-7.

Chron. Bower, (Watt), vii, pp.365-7.

70. i.e. earls of March and Moray, and Sir Robert Erskine.
71. A.P.S., i, 547.

The rationale behind the Steward's rebellion in 1363 was said to be resentment of the 'evil counsel' given to the King by his lesser-born favourites. Nicholson, Later Middle Ages, pp.168-9.

72. These men were to become frequent witnesses to the King's Acta.
73. MacQueen, 'Pleadable Brieves', p.331.
74. A.P.S., i, 545; xii, 18: R.M.S., i, nos.399, 554: Fraser, Menteith, i, pp.127-8, 137.
75. R.M.S., i, no.405.
76. Grant, A., 'The Wolf of Badenoch', in W.D.H. Sellar, ed. Moray: Province and People (Scottish Society for Northern Studies, 1993), p.143.
77. Ibid., pp. 143-4: R.M.S., i, no.558.
78. R.M.S., i, no.537: A.P.S., i, 553:

S.R.O. Brodie & sons, W.S. GD 1/17/17,18,19.

79. R.M.S., i, no.556.

80. E.R., iii, 363: Grant, 'Wolf of Badenoch' p.144.

81. Donald was the first-named of the hostages for his father's good behaviour in 1369. Acts of the Lord of the Isles, no. 6.

82. R.M.S., i, nos.412, 551, 567, 568, 569.

83. S.R.O., GD 297/176.

84. Mackenzie, Fraser of Lovat, pp.39-40.

85. Mackenzie, History of the Mackenzies, pp.76-7.

86. It is significant that William sought confirmation for his Balnagowan lands, not from Walter Leslie as lord of Ross as was the formality, but from the King himself. R.M.S., i, no.619. Balnagowan was in Easter Ross.

For witnesses to Leslie's charters as lord of Ross, see:-

S.R.O., Stuart & Stuart, Cairns & co., W.S. GD 274/93/13; GD 93/2, GD 297/229.

N.L.S., Ch. Fleming of Wigtown 17081.

R.M.S., i, no.300; app. i, no.158; app. ii, no.1955.

Familie of Innes, p.62.

87. A.B.Ill., iv, 87-8.

88. Barrow, Bruce, p.281.  
Grant, 'Thanes and Thanages', pp.74-5

89. The Marischal had been involved in Earl William's attempt to regain control over his lost lands in the late 1360's. A.B.Ill., iv, 387-8.

90. Grant, 'Wolf of Badenoch', pp.143-4.

91. A.B.Coll., 288-9: S.R.O. GD 52/1034.  
A.B.Ill., ii, 319: R.M.S., i, nos.599-601, 674-678.

For later attempts by those dispossessed to recover these lands, see:- A.B.Ill, iv, 377.

92. Grant, 'Wolf of Badenoch', pp.144,145.
93. William Lambe is last noted as sheriff of Inverness in January 1377. The previous year Alexander had flouted the authorities in Inverness by refusing to pay customs. It may be that he prevailed upon his father the King to appoint him as sheriff soon after, although there is no definite evidence for his appointment until 1380. S.R.O., Fraser-Mackintosh Collection GD 128/64/4/1: E.R., iii, 532: Grant, 'Wolf of Badenoch' p.158, n.10.
94. E.R., iii, 14, 44, 45, 65, 90.
95. Ibid, iii, 67: A.B. Coll., 288.  
A.B.Ill, ii, 319: S.R.O., Dalhousie Muniments GD 45/16/20/2321.

Lands included - Strathnairn and Belhelvie.

96. S.P., vii, 240.
  97. A.B.Ill., ii, 389: S.R.O., Cromartie Muniments GD 305/1/112/1: Munro Writs, no. 11.
  98. C.P.L., Clement, 79. 25 June 1382
- The petition was probably sent to the curia soon after Walter Leslie's death.
99. R.M.S., i, no.737; app. ii, no.1727.  
A.B. Coll., 484.
  100. R.M.S., i, nos.736, 741, 742.

Aside from the earldom itself, the Ross patrimony is noted as including:- Skye and Lewis, lands in Caithness and Sutherland, lands in Nairn and Inverness, the barony of Fithkill in Fife, Glendowachy and Deskford in Banff, together with various lands in Perthshire and Galloway.



101. Boardman, Early Stewart Kings, p.78.

102. Aberdeen Registrum, i, 138.

103. S.R.O., GD 305/1/123/519.

104. S.R.O., GD 297/177.

105. A.P.S., i, 528.

106. Highland Papers, i, p.25.

107. R.M.S., ii, no.1431.  
Grant, 'Celtic Fringe', pp.126-7.

108. A.P.S., i, 550-1.

109. Highland Papers, i, p.32.  
See above, n.85.

110. A.P.S., i, 553.

111. Ibid., i, 553.  
R.M.S., i, no.790.

112. A.P.S., i, 553.

for the details surrounding the death of Lyon, see:-  
E.R., iii, pp. liii-iii, 657.

113. At the time of the murder, Lindsay was sheriff of Lanark. E.R., ii, 418; iii, p.liii. His main lordship - Crawford - was also in Lanarkshire, and this was held together with a variety of lands in Fife, Aberdeenshire, Dumfries, Forfar, Ayr, Perth, Galloway, Peebles and Roxburgh. Stevenson, Seals, iii, p.464.

114. A.P.S., i, 551.

115. Ibid., 553.

116. S.R.O. . Crawford Priory Collection GD. 20/1/3:  
H.M.C., iii, 405.  
This charter is undated but probably given c. 1392.

Another charter by the lord of Montgomery, who was later to become a close associate of the future governor, is dated 1389 and concerns lands in north Fife. S.R.O. Earls of Eglinton GD 3/1/3645.

It should be noted that at no time did either Robert II or Robert III ever recognise Lindsay's title.

Eg. S.R.O. Haldane of Gleneagles GD 198/8: R.M.S., i, no.838.

117. Fraser, Menteith, i, p.2: A.P.S., i, 372, 603.  
Murray, Acta, R.G. 25, R.G. 47.
118. A.B.Ill., ii, 30.
119. R.M.S., i, no.886.
120. C.P.L., Clement, p.44.
121. A.B.Ill., ii, 352: Frasers of Philorth, p.116.
122. A.B. Coll., 470-1.
123. Grant, 'Wolf of Badenoch' p.149: Moray Reg., no. 168.
124. MacQueen, 'Pleadable Brieves', p.331.
125. Bona, now called Dochfour, is just 6 miles south-west of Inverness.  
Grant, 'Wolf of Badenoch', p.149.
126. A.P.S., i, 555.
127. Ibid., i, 550.
128. Ibid., 556.
129. Ibid., 556.
130. Boardman, Early Stewart Kings, p.149.
131. A.P.S., i, 557.
132. Reliquiae Celticae, A. MacBain and J. Kennedy, edd.  
(Inverness, 1892-4) ii, p.161.

133. Highland Papers, i, pp. 27, 81.  
Acts of the Lords of the Isles, p.291.  
Steer & Bannerman, Monumental Sculpture, p.127.
  134. Reliquiae Celticae, ii, p.161.
  135. The first papal petition by Donald as Lord of the Isles was in January 1389. Acts of the Lord of the Isles, p.239.
  136. Highland Papers, i, p.32.
  137. A.P.S., i, 557: Grant, Independence, p.211.
  138. Acts of the Lords of the Isles, p.318.
  139. Highland Papers, i, p. 33.
  140. Moray Reg., no. 169.
  141. Ibid., no. 271: Grant, 'Wolf of Badenoch', p.151.
  142. Moray Reg., no. 171.
  143. Fraser, Menteith, ii, p.157.  
Chron. Bower, (Watt), vii, p.447.
  144. Chron. Wyntoun, vi, p.368.  
Chron. Bower, (Watt), vii, p.447.
  145. Chron. Bower, (Watt), vii, p.3.  
H.M.C., iv, pt.i, p.528.
  146. Chron. Wyntoun, vi, p.368.
- The guardian and his son Murdach were at Inverness in November 1390. H.M.C., vii, pt II, p.718.
147. Grant, 'Wolf of Badenoch', p.152.
  148. Ibid., p.152.
  149. Ibid., p.153.



150. E.R., ii, 274 :Boardman, Early Stewart Kings, p.178.

For the Chisholm family's long-standing interest in Urquhart see:

Familie of Innes p.59: S.R.O. GD 52/1035:

The Buildings of Scotland: Highlands and Islands J. Gifford, ed., (London, 1992), p.217.

151. Highland Papers, i, p.33.

152. R.M.S., i, no.823: A.B.Ill., ii, 98-9.

For the 1382 definition of the Ross patrimony see:-  
R.M.S., i, no.742.

153. A.B.Ill., ii, 380.

154. Grant, 'Wolf of Badenoch', p.154.

In November 1391 Alexander was with his brother and father at Ardneil. His not known to have ever returned north. S.R.O. Fullarton of Arran GD 1/19/1.

c.f. Boardman, Early Stewart Kings, pp.260-1, where it is argued that Buchan later experienced a renaissance in his career in the years after 1402. The evidence put forward to support this premise includes Earl Alexander's indenture with Hugh Fraser of Lovat in July 1404, and a royal charter of the castle hill of Inverness which Boardman concludes represents the earl's appointment as keeper of the castle there. However, Fraser's indenture probably related to the fact that he had recently forfeited lands in Forfar and now sought their return through the offices of the earl of Buchan, who, though disgraced as a northern magnate, still exerted some influence as the late king's son. As to the Inverness charter, a later document specifically describes this grant as tenement on the castle hill which extended only as far as the castle wall, and was not, therefore, a grant of the castle itself.

S.R.O., Mar and Kellie Muniments GD 124/11/1128:  
H.M.C., vii, pt II, p.719: R.M.S., ii, no.488.

155. Grant, 'Wolf of Badenoch', pp.154-5.

156. C.P.L. Clement, p.174.  
Boardman, Early Stewart Kings, p.179.
  157. Wigtown Charter Chest, no. 403:- 1 October 1392.
  158. Ibid., nos. 403, 845-6.
  159. S.R.O., GD 20/1/3: Spalding Misc., v, p.319.  
C.P.L., Clement, p.183.  
Lindsay's claim to Buchan was also acknowledged by  
Montgomery of Ardrossan in 1389. S.R.O. GD 3/1/3645.
  160. Spalding Misc., v, 230.
  161. Chron. Bower, (Watt), viii, pp.41, 167.
  162. Chron. Wyntoun, vi, p.376.
  163. E.R., iii, 388.
  164. Munro Writs, no. 11.
  165. S.R.O., GD 297/178.
  166. Ane Breve Cronicle of the Earlis of Ross, ed. W.R.  
Baillie, (Edinburgh, 1850), p.24.
  167. A Highland History, by the Earl of Cromarty  
(Berkhamstead, 1979), pp.99-100.
- This seventeenth century account seems to appear as  
the third element of Ross history within the conflated  
versions of the Battle of the Brogues:-  
Mackenzie, History of the Mackenzies, p.76.  
Chronicles of the Frasers, p.83.  
Frasers of Lovat, p.40.
168. Acts of the Lords of the Isles, no.14.
  169. Ibid., no. 14, p.19.
  170. E.R., iii, 376.

171. Bona had previously by granted to Buchan by the earl of Moray in 1386. Grant, 'Wolf of Badenoch', p.154: Boardman, Early Stewart Kings, p.134.
172. Nicholson, Later Middle Ages, p.209.  
Grant, 'Wolf of Badenoch', p.154.
173. Grant, 'Celtic Fringe', p.130.
174. Highland Papers, i, pp.33, 205, n.1.
175. Lamont Papers, p.11, no. 19 -: 30 October 1397.
176. A.P.S., i, 570:- 22 April 1398.
177. The idea that the Lords of the Isles were deliberately kept on the political fringe by successive kings is the main premise of Grant, 'Celtic Fringe'.
178. Boardman, Early Stewart Kings, p.184
  - a) Lennox in 1392  
C.P.L., Clement, p.174.
  - b) Stewart of Lorne in 1397  
C.P.L., Benedict, p.75.
  - c) Campbell of Lochawe - date of marriage unknown but had succeeded his father by January 1414, when he was granted relief due by the governor.  
S.P., I, p.149: Murray, Acta, RG 137.
179. Chron. Wyntoun, vi, p.377.  
  
Chron. Bower, viii, p.78.
180. Skene, W.F., Celtic Scotland (Edinburgh, 1890), iii, pp.307-18.  
Chron. Bower, (Watt), viii, p.7.
181. Aberdeen Registrum, i, 137.
182. Black, Surnames, p.385.  
N.L.S., Ch. 17085.



183. A.P.S., i, 579: Chron. Wyntoun, vi, p.371.
184. A.P.S., i, 581: A.B.Ill., iv, 85.  
E.R., iii, 388, 402, 412, 415, 441, 442, 458.
185. E.R., iii, 442.
186. A.P.S., i, 570, 574.
187. Ibid., 570-1. Within the Haddington MS. the name of the second castle begins with the letters 'De', but the remainder is left blank, as though there was some uncertainty as to which other castle was to be taken into crown hands. Given that Bona was also held by Alexander, it is likely that this was the target of the directive. S.R.O. P.A.5, f.4,r.
188. Steer & Bannerman, Monumental Sculpture, p.205.
189. Aberdeen Burgh Recs., p.81: A.P.S., i, 573.
190. Grant, 'Wolf of Badenoch', p.154.
191. Moray Registrum, p.382.
192. A.P.S., i, 570, 574.
193. Moray Registrum, p.211.
194. Spalding Misc., v, p.13: A.P.S., i, 574.
195. S.R.O. Bruce of Kennet Charters GD 11/7: E.R., iii, 527.
196. Rot. Scot., ii, 94, 95.

The 'Donald' referred to in the safe-conduct is generally taken to be the Lord of the Isles, but his name is preceded by that of John Mor. Although the English chancery often made mistakes, it is unlikely that they would have made one of this magnitude.

197. Simms, K., '"The King's Friend": O'Neill, the Crown and the Earldom of Ulster', in J. Lydon, ed., England

and Ireland in the Later Middle Ages (Dublin, 1981), p.217.

Steer and Bannerman, Monumental Sculpture, p.162.

Acts of the Lords of the Isles, no.15.

198. Ibid., p.293.

199. Lydon, J., Ireland in the Later Middle Ages (Dublin, 1973), pp.126-7.

200. Brown. A., 'The English Campaign in 1400' pp.44-5.

201. F., O., viii, 95.

Nicholson, Later Middle Ages, p.219.

202. Simms, 'The King's Friend', p.219.

203. S.R.O., GD 297/179: Rothes Cartulary GD 204/701: R.M.S., i, app. ii, no.1875: H.M.C., iv, p.492.

204. S.R.O., GD 204/701: H.M.C., iv, p.492.

205. Acts of the Lords of the Isles, no. 1.

For an attempt by Godfrey, Donald's step-brother, to gain control over Skye in the 1390's, see, Boardman, Early Stewart Kings, pp.220-1, n.75.

206. See above, n.157.

207. A.B.Ill., iv, 377.

208. Cronicle of Ross, p.9.

209. Cromarty, Highland History, p.101.  
Aberdeen Registrum, i, pp.208-9.

210. John had received his father's lands of Coull and O'Neill in 1399. R.M.S., i, app. I, no. 155.

211. Cawdor Bk, p.5 11 July 1405 - Albany at Dingwall.

c.f. Boardman, Early Stewart Kings, p.288, for estimation of date of Buchan's death as 20 July.

Perhaps, as Boardman has suggested, Buchan was ill rather than dead.

212. Moray Registrum pp.382-3: A.P.S., i, 570 (1397):  
Acts of the Lords of the Isles, p.lxv.

213. Alexander was released prior to November 1401, when he was acting as Rothesay's bailie in Atholl.

Boardman, Early Stewart Kings, p. 282.

S.R.O. GD 124/7/4, indenture dated at Perth 24 March 1402/3.

214. E.R., iii, ad indicem.

Neither the custumars nor the bailies had made any returns since 1396.

215. Chron. Bower (Watt), viii, p.49.  
A.P.S., i, 578.

216. Chron. Wyntoun, vi, p.404. Date of death pre December 1402 - S.R.O. GD 160/1/6.

217. Boardman, Early Stewart Kings, pp.237, 261-2.

As guardian, Albany was perfectly entitled to take control of Mar. Whether he had arranged Drummond's death was another matter. It was, in fact, Rothesay who was ordered to carry out a precept of the parliament held in February/March 1401 and arrest the lord of Mar. Banff Annals, ii, pp.377-8.

218. A.B.Ill., iv, 165-73.

219. S.R.O., GD 124/7/4; Lothian Charters GD 40/3/234.

220. R.M.S., ii, no.1239: S.P., v, pp.598-600.

221. R.M.S., I, app. ii, 1980.

222. R.M.S., I, app. i, no.156: N.L.S., Ch. 15549.

223. S.R.O., GD 124/1/130.



By January 1405, Alexander had established himself as sheriff-substitute of Aberdeen. Around the same time, the earl of Crawford appears to have relinquished his position as Admiral of Scotland to the new earl of Mar. S.R.O. Lord Forbes Collection GD 52/1076: C.P.L., Benedict, p.112.

Ditchburn, D., 'The Pirate, the Policeman and the Pantomime Star: Aberdeen's Alternative Economy in the Early Fifteenth Century', in Northern Scotland, xii (1992), pp.20-1.

See also, Brown, M.H., 'Regional Lordship in North East Scotland: The Badenoch Stewarts II, Alexander Stewart, Earl of Mar', in Northern Scotland, xvi (1986), p.49, n.12.

224. Such views have been contradicted by both Barrow and Grant.

Barrow, G.W.S., Scotland and its Neighbours in the Middle Ages (London, 1992), p.105.

Grant, 'Celtic Fringe', pp.119-120.

225. Grant, 'Higher Nobility', pp.46-7, 52, 63.

Grant, 'Scottish Peerage', p.4.

Grant, Independence, p.123.

226. For a discussion as to the manpower available to the lordship see:-

Bannerman, J.W.M., 'The Lordship of the Isles', in J.M. Brown, ed., Scottish Society in the Fifteenth Century (London, 1977), p.216.

MacInnes, J., 'West Highland Sea Power in the Middle Ages', in T.G.S.I., xlviii (1974), pp.518-556.

227. See above, n.176.

228. A.B.Ill., ii, 350-1, iv, 87-8: R.M.S., i, app. i, 158.

229. A.B.Coll., 502-3.

230. Murray, Acta, RG 5.

231. See Chapter II for discussion on this point.

232. Murray, Acta, RG 2.

233. N.L.S. Adv. Mss. 80.4.15, p.146, n.1

Charted dated 20 September, i.e. same day that John Stewart received the earldom of Buchan.

234. Chron. Bower, (Watt), viii, p.293.

235. A.B.Ill., iv, 181-2.

236. Cawdor Bk, p.8: R.M.S., ii, no.76

237. Aside from the lands and castles associated with Mar and Garioch, Earl Alexander also possessed a house in Aberdeen, various lands in Dundee, and a tenement in Inverness. The barony of Crimmond had been granted to him by the countess of Mar.

S.R.O., Abercromby of Forglen GD 185/8/1/1: R.M.S., i, app. i, no.1908; app, ii, no.2344; R.M.S., ii, no.488.

238. Grant, 'Higher Nobility', p.47.  
Grant, 'Scottish Peerage', p.4.  
Aberdeen Registrum, i, pp.213-4.

239. R.M.S., ii, 110: A.B.Ill., ii, 380; iv, 116, 383.  
S.R.O., R.H., Inv, 6/2/262.

S.R.O., Haldane, Brown & Co. GD 255/4/1 - reference from Grant, 'Higher Nobility', p.47.

240. R.M.S., i, nos.892, 893.

241. Ibid, i, no.889: E.R., iv, 44.

242. Munro, 'Earldom of Ross', p.64.

243. Highland Papers, i, p.28.

244. Leslie, J.F., The Irvines of Drum (Aberdeen, 1909), p.149.

The source for this information was a mid-seventeenth M.S. from Dunrobin Castle.

C.P.R. Henry IV, ii, p.363.

Nicholson, Later Middle Ages, p.234.

Brown, M., James I, p.58.

245. See Chapter III for a discussion on this point.

246. Highland Papers, i, p.28.

247. C.P.R., Henry IV, iii, 487.

248. Ibid., iv, 190.

Lydon, Ireland in the Later Middle Ages, pp.125-6.

249. Rot. Scot, ii, 196: P.R.O. E.404, 22/258.

250. S.R.O. GD 52/247, 1667: GD 185/8/1/1.

Irvines of Drum pp.39, 41, 154.

R.M.S., iii, no.2000.

A.B.Ill., ii, 380; iv, 116, 383.

Frasers of Philorth p.125.

In addition, Robert Stewart, the earl of Mar's illegitimate son, held the canonry and prebend of Turriff sometime before September 1419. C.S.S.R., ii, 117.

251. C.P.L., Benedict, 56-7, 155: C.S.S.R., i, 157.

Acts of the Lords of the Isles, p.296.

252. Chron, Pluscarden, ii, p.263.

Chron. Bower, (Watt), vii, p.75

This point is also made in Mackay, Harlaw, p.14.

253. Highland Papers, i, p.28.

254. S.R.O. GD 160/14/2.

255. A.B.Ill., ii, 314; iii, 95-6: R.M.S., i, no.935:

S.R.O. Rose of Montcoffer GD 36/39,40.



256. Highland Papers, i, p.28.

257. Ibid., i, p.29.

258. C.P.L., Benedict, pp.103, 125, 194, 233, 240-1.

For further discussion on the lordship's internal difficulties, see:-

Steer & Bannerman, Monumental Sculpture, p.105.

Bannerman, 'Lordship of the Isles', p.217.

Acts of the Lords of the Isles, p. xxviii.

259. Chron.Bower, (Watt), viii, pp.75-7, 259-61.

260. Highland Papers, i, p.30.

Cromarty, Highland History, p.101.

261. S.R.O., GD 297/195: Frasers of Lovat, p.46.

Boece, (Bellenden), ii, pp.485-6.

262. Frasers of Lovat, p.46.

263. Cromarty, Highland History, p.101.

A Genealogical History of the Earldom of Sutherland,  
R. Gordon, (Edinburgh, 1813), p.63.

264. Simpson, W.D., The Earldom of Mar (Mar, 1949), p.52.

265. Chron. Bower, (Watt) viii, pp.75-77.

266. From the extant sources it is apparent that at least three men were to benefit from the concession regarding the waiving of relief after the battle, and all of these men held lands in and around Angus.

The Blackhalls of that Ilk and Barra, A. Morrison,  
(New Spalding Club, 1905), pp.13-14.

Aberdeen Registrum, i, 201-2, 214-5.

S.R.O., GD 137/1475: Panmure Registrum, ii, 186-8.

267. Highland Papers, i, p.30.

268. R.M.S., i, no.932: Murray, Acta, RG 101.

269. Highland Papers, i, p.29.  
Simpson, Earldom of Mar, p.50.

Marren, P., Grampian Battlefields: The Historic Battles of North East Scotland from A.D. 84 to 1745 (Aberdeen, 1990), p.93.

270. Mackay, Harlaw, p.16.

271. Frasers of Philorth pp.124-5: Irvines of Drum, pp.41, 154: Maitland Misc., i, 378: S.P., vii, p. 432: A.B.Ill., ii, 378, 380-1; iii, 534; iv, 86.  
S.R.O., GD 185/8/1/1.

It is interesting to note that, in the earliest of these charters, the lord of Philorth's bailie in Kingeward is named as John Inchemartin, who was later to become the earl of Mar's secretary. C.P.L., Benedict, p.279: GD 16/24/4.

272. Chron. Bower, (Watt), viii, p.5.

273. Boece, (Bellenden), ii, pp.485-6.  
Chron. Bower, (Watt), viii, p.77.  
Extracta e Variis Cronicis Scocie (Abbotsford Club, 1842), p.215.  
Nicholson, Later Middle Ages, pp.234-5.  
Highland Papers, i, pp.29-31.  
Dickinson, Scotland, p.201.  
Steer & Bannerman, Monumental Sculpture, p.205.  
Major, History, p.348.

274. Highland Papers, i, p.32.  
Lesley, History, ii, p.33.  
Boece, (Bellenden), p.486.

275. Chron. Bower (Watt), viii, p.77.  
Acts of the Lords of the Isles, p.lxvi, n. 181.

276. S.R.O. GD 79/4/79. Charter dated at St Andrews, 23 November 1411. Aside from the governor and his retainers, those present included:- Alexander Ogilvy, sheriff of Angus, and Richard Lovel, lord of Ballumbie. Lovel had

succeeded to his father's lands in Angus following the latter's death at Harlaw. Chron.Bower, (Watt), viii, p.75.

277. Ibid, p.77: Acts of the Lords of the Isles, p.lxvi, n.181.
278. Grant, 'Celtic Fringe', pp.119-120.
279. Bannerman, 'Lordship of the Isles', p.215.
280. The phrase 'expansionist dynamic' is Grant's.  
Grant, 'Celtic Fringe', p.132.
281. Chronicles of the Frasers, p.96.
282. E.R., iv, 164: Dickinson, Scotland, p.269, n.25.
283. E.R., iv, 145, 163, 173, 211, 227, 255, 265.  
Brown, M., James I, p.30.
284. S.R.O. GD 185/6/6/1; GD 185/8/1/1.  
Irvines of Drum p.41.
285. Frasers of Philorth, p.123: A.B.Ill., iii, 534:  
S.R.O., GD 52/398.
286. Frasers of Philorth, p.124.
287. R.M.S., ii, no.109.
288. C.P.L., Benedict, pp.279-80.
289. Chron. Bower, (Watt), viii, p.293
290. Highland Papers, i, pp.29, 30.
291. Earl Alexander outlived Thomas, and during later reigns reference was made to the fact that his lands reverted to the crown by dint of his bastardy. e.g. R.M.S., ii, nos.488, 2344.
292. Ibid, ii, 76.
293. A.P.S., i, 571.



E.R., iii, ad indicem. There were no returns from either the custumars or the bailies during the period 1396 - 1404

294. E.R., iv, 255.

295. Ibid, iv, 498: Cawdor Bk, p.8.

296. E.R., iv, 146.

297. S.R.O., GD 297/180, 191, 195.  
Acts of the Lords of the Isles, no.23.  
Chron. Bower, (Watt), viii, p.261.

Hugh Ross, Walter's heir, is noted as a witness to one of the earliest charters of Alexander MacDonald as earl of Ross. Hugh's son John, who succeeded his father in 1440, was one of those arrested by King James during his northern campaign of 1428.

298. Highland Papers, i, p.30.

299. E.R., iv, p. lxxvi, 211, 227.

300. Chron. Bower, (Watt), pp.77, 261, 363.

A 'Kenneth Mor' was amongst those arrested alongside John Ross in 1428.

For the premise that the Mathesons and Mackenzies shared a common ancestor and then diverged after 1411, see:- Matheson, W., 'Traditions of the Mackenzies', in T.G.S.I., 'xxxix-xi' (1949), pp.193-228.

301. Highland Papers, i, pp.39-40: E.R., iv, 189:  
Brown, M., James I, p.137.

302. C.P.L., Benedict, p.313. They were still married in 1424. C.S.S.R., ii, 59.

303. C.P.L., Benedict, p.317.

304. e.g. Glendowachy and Deskford in Banff, together with Nairn and the Inverness-shire lands of Strathglass.

305. Thomas Stewart, the earl of Mar's son and heir, was acting as Moray's bailie in the barony of Kirkdell by 1414. Cawdor Bk., p.5.
306. Brown, M., James I, p.81.
307. C.P.L., Benedict, pp.293, 294, 295.

Keith and Mar were often in each other's company, and Patrick Ogilvy, son and heir of the sheriff of Angus, married Christian Keith, the Marischal's niece, in 1413.

R.M.S., i, no.939: A.B.Coll., p.492.  
Brown, 'Earl of Mar', pp.32, 35.

The earl of Mar had already intervened to moderate an end to the feud between Alexander Irvine of Drum and the Keiths, although the means to end this feud, a marriage between the farmer and Elizabeth Keith was reported not to have taken place until 1411, when Sir Alexander's brother married the said Elizabeth.  
Irvines of Drum, p.149.

308. N.L.S. Acc. 9769 Box B/23, 27A.

S.R.O. GD 185/8/1/1: GD 16/14/3: GD 52/399.

The earl of Mar had already supplanted the first earl of Crawford as Admiral of Scotland. Both of the second earl of Crawford's uncles lost out to the lord of Forbes in terms of lands and offices. It is, therefore, doubtful whether Alexander, earl of Crawford greeted the marriage of his son and heir to Marjory Ogilvy in 1423 with anything other than resignation.

N.L.S., Acc. 9769 Box C. 2/198.  
Maitland Misc., i, p.378.  
Spalding Club Misc, iv, p.127.  
A.B.Ill., iii, p.517.

309. Boardman, 'Earl of Buchan', pp.22-3.  
Brown, M., 'Earl of Mar', p.33.
310. It should be noted that the earl of Crawford had supported the 1414 marital alliance between the

Fraser of Lovat and the Keiths. C.P.L., Benedict, pp.294-5.

311. S.R.O., R.H. 6/2/243.
312. Highland Papers, i, p.28.
313. E.R., iv, 255, 265.
314. S.R.O., R.H. 6/2/243.
315. Rot. Scot., ii, 213: Murray, Acta, RG 15:  
E.R., iv, 255, 265.  
At the exchequer audit of June 1415, a payment was made to Mar'by deliverance of council'. E.R., iv, 227.
316. S.R.O., R.H. 6/2/252: A.P.S., i, 587.
317. E.R., iv, 70-1, 213, 239.
318. See above, n. 282
319. A.P.S., ii, 8.
320. Brown, M., James I, p. 160.  
A.B.Ill., iii, 509: R.M.S., iii, no.2000
321. R.M.S., ii, no.168; iii, no.2000.  
A.B.Ill., , iv, 383.
322. Ibid, iv, 383.
323. Fraser of Philorth, p.125.
324. Highland Papers, i, p.29 : S.R.O. Rossie Priory Papers  
GD 48/3.
325. S.R.O., GD 255/4/1 : R.H. 6/2/243.
326. Spalding Club Misc., iv, pp.115-117: S.R.O., GD  
16/24/3.
327. A.B.Coll., p.555.
328. See above nn. 250; 271, 284-6: A.B.Ill., iv, p.383.



329. Ibid, iv, p.116: C.S.S.R., i, 218.  
S.R.O., R.H. 6/2/252.
330. Highland Papers, i, pp.30-1.  
Reliquiae Celticae, ii, p.161.
331. R.M.S., i, no.742: S.R.O., R.H. 6/243.
332. S.R.O. GD 87/2/1.  
Acts of the Lords of the Isles, no. 9.  
Here Donald is styled merely Donaldus de Ile dominus Insularum.
333. History of Sutherland, p.63.
334. E.R., iv, 255: Highland Papers, i, p.30:  
Brown, M., James I, p.93.
335. Acts of the Lords of the Isles, no. 20.
- N.B. John Nairn, and not Maclan, as stated by the editors. Ibid., p.33: H.M.C. vii, p.706, no. 21.
336. A.B.Ill., ii, 98-9.
337. Highland Papers, i, pp.121-2.  
R.M.S., ii, no.156.
338. A.B.Ill., iv, p.377.
339. Leslie, History, ii, p.33.
340. C.S.S.R., I, 172-3.
341. E.R., iv, 461.
342. C.S.S.R., i, 172.
343. S.R.O. Mackay Papers GD 87/2/1.
344. A.B.Ill, iv, pp.181-2.

For these conclusions see:-  
Nicholson, Later Middle Ages, p.257.

Grant, Independence, p.187.  
Brown, 'Earl of Mar', p.39.

345. See above, n.308.

346. A.B.Ill., ii, 380: R.M.S., ii, no.110.

347. Cawdor Bk., p.8 : C.S.S.R., i, 157.

348. Eg. C.S.S.R., i, 268-8, 271.

349. Acts of the Lords of the Isles, p.300.

350. Ibid., pp. Lxx-ii.

## CHAPTER V

## THE BALANCE OF POWER IN THE SOUTH

According to a history of the Sinclairs of Rosslyn, the earls of Orkney, Douglas, and March, threatened to deprive the duke of Albany of his office, soon after his appointment as governor of the realm.<sup>1</sup> Thus, the 'royd harsk begynnyng' of Robert II's reign appears to have been visited upon his son as governor.<sup>2</sup> The narrative sources for the period would seem to confirm the fraught relations between the governor and his peers, and this theme has been enthusiastically pursued by modern historians, who portray Albany as an inept regent presiding over a multitude of 'overmighty subjects'.<sup>3</sup> This would seem to be particularly true of the fourth earl of Douglas who was said by the English chronicler, John Shirley, to have been governor in all but name south of the Forth.<sup>4</sup>

However, such an approach ignores the fact that the governor and the nobility were inextricably bound together by the constitutional arrangement that was established in June 1406. Indeed, during the next fourteen years of his term as governor, the first duke of Albany was dependent on the co-operation of his peers in order that both he and his council fulfilled their dual obligations to defend the realm and maintain law and order. Yet, the constitutional limitations imposed upon the governorship created an unfortunate paradox, and denied the governor recourse to the usual means of crown patronage whereby such co-operation was elicited. Thus, although the governor was the personification of the crown and the upholder of the regia dignitas for the duration of his term in office, it is



perhaps more appropriate to discuss the duke of Albany's relations with his peers using the model provided by Young, in his analysis of magnatial factions during the reign of Alexander III.<sup>5</sup> Here the 'baronial model' is employed, with the emphasis on the social and political needs of the nobility, and on the way in which these needs were met by the crown to their mutual benefit. As a corollary to this approach, it is also pertinent to question how well the constitutional arrangement of 1406 served its purpose, and, indeed, whether its inherent legal and political principles were relevant to the practical reality of maintaining the balance of power.

In the first instance, the nature of the governor's relations with his peers was dictated by those who were available to attend the General-Council of June 1406. The magnatial ranks had been seriously depleted by the ravages of war with England, and, by the time of the governor's appointment, many of those taken prisoner at the battle of Homildon Hill in 1402 were still held captive. These included Albany's own son, Murdach Stewart of Kinclaven, depriving the ageing governor of his deputy, and the earl of Douglas, who had played a singular role in defending the Border since the defection of the earl of March in 1400.<sup>6</sup> Others captured in 1402 included the earl of Angus who died soon afterwards, leaving his earldom in the hands of a minor, his son William.<sup>7</sup> Henry Sinclair, the earl of Orkney, had been seized by the English along with James in March 1406, leaving the Lothians bereft of one of its most accomplished military leaders.<sup>8</sup> Sir William Keith, the Marischal, the governor's father-in-law and long-term ally was then quite elderly, and is not known to have ventured

south after 1406 and before his demise a few years later. As for the governor's other northern confederate, David Lindsay, first earl of Crawford, he died within a year of the governor's appointment, leaving his numerous interests in the hands of his son Alexander, then still in his minority.<sup>9</sup> The recent death of the governor's brother Alexander Stewart, had created two other comital vacancies in Ross and Buchan, further adding to the sense of political void in the north.

Some consolation was afforded the governor by the position of his own family. His illegitimate nephew, Alexander Stewart, junior, had recently been installed as earl of Mar, and, after 1406 was bound by indenture to act as his deputy in the Highlands.<sup>10</sup> The governor's step-brother, Walter Stewart, who may have shared in the duke's complicity in the death of Rothesay in 1402, appears to have been a close political ally, having recently acquired his second earldom, that of Atholl, through the good offices of the duke.<sup>11</sup> The governor's position was also bolstered by the network of marital alliances that had been set in place prior to 1406. Having inherited the familial tendency towards a most prolific fecundity, the governor had produced four sons, at least six daughters, and two male grandchildren, by the time he assumed gubernatorial office.<sup>12</sup>

Through the marriage of Murdach, his eldest son by his first marriage, to the Lennox heiress in 1392, the duke had set in place a formidable ally in the mid-west, which not only secured his son's position as the future earl of Lennox, but had also established the prospect that this

legacy would include custody of Dumbarton Castle, together with the office of sheriff. A further advantage of Murdach's betrothal to Isabella Lennox is manifest by the terms of their marriage indenture, which gave the future governor a say in the marriages of the earl of Lennox's other daughters.<sup>13</sup> Moreover, the duke had contrived control over a second comital title by c. 1402, when he had arranged that Euphemia, the daughter of his step-brother David and heiress to Strathearn, should marry into the family of the Grahams of Kincardine, long-standing political associates of the duke.<sup>14</sup>

In the western Highlands, the duke had already achieved substantial links through the marriage of his daughter Joanna to John Stewart of Lorne in c. 1397, while, a few years earlier, his other daughter Marjory had been wed to Duncan Campbell of Lochawe, who would later inherit the office of lieutenant of Argyll on his father's death, sometime before January 1414.<sup>15</sup> These marriages greatly consolidated the territorial interests the duke had already acquired during a career that stretched back over forty years. His marriage to the Menteith heiress in 1361, not only allowed him a power-base in the central Highlands, but also gave him a foothold in the lordship of Cowal, part of which was traditionally within the jurisdiction of the earls of Menteith.<sup>16</sup> His acquisition of the earldom of Fife early in his father's reign, by reason of an indenture with his late brother's widow, the countess of Fife, brought obvious political benefits as the premier earl of the kingdom, and also opened up further opportunities in the north when the future governor gained control over other parts of the extensive Fife patrimony.<sup>17</sup> It was also during



the reign of Robert II that the future governor established his position as a political force sans paret, through custody of Stirling Castle, the traditional gateway between the north and south of the kingdom, and by his elevation to the office of Chamberlain nine years later in 1382.<sup>18</sup> In this respect, the duke's awe-inspiring palace fortress at Doune - completed by the turn of the century - was a very visible manifestation of his political, military, and economic ascendancy.<sup>19</sup>

Yet, as discussed in Chapter II, the delay between the death of Robert III at the beginning of April and the appointment of the governor in June, suggests that the duke's elevation to gubernatorial status did not have the unanimous support of his peers. The version of events in the history of the Sinclairs of Rosslyn contains some rather obvious anomalies, the most blatant being the fact that the earls of Orkney, Douglas, and March, were then in England, but could account for the General-Council's procrastination. Indeed, it is quite possible that those such as the earl of Moray and James Douglas of Balvenie took an early opportunity to ensure that the interests of their absent kinsmen were not in any way undermined by the settlement of June 1406.<sup>20</sup> The parallels between the 'harsh beginning' of Robert II's reign when the first earl of Douglas challenged the Steward's right to succeed, are compelling and invite the conclusion that the duke of Albany's hold on power was extremely tenuous during the early years of the governorship.<sup>21</sup>

Within one month of his appointment as governor, the duke was at Ayr granting lands in the barony of King's Kyle to

John Crawford, in the company of 'local magnates'.<sup>22</sup> The reason for this early excursion west was partly derived from the duke's need to demonstrate most visibly his authority over the captive King's lands in the Stewartry, but also to establish his credentials as governor by dealing with local disputes. The interesting point about the grant to Crawford is that it was witnessed by Sir Gilbert Kennedy of Dunure, one of the greatest landowners in the earldom of Carrick, and his son James, who were then embroiled in a family feud over the latter's inheritance. The origins of this dispute arose from the fact that Sir Gilbert had had an earlier liaison with a woman who may have been called Marion Sandilands, which had produced at least three other children.<sup>23</sup> These children had been at odds with the offspring of Sir Gilbert's marriage to Agnes Maxwell over who should inherit their father's estates, and in particular, his position as 'kenkynnol', chief of the Kennedy kindred. James, Sir Gilbert's eldest son by Agnes Maxwell, had probably been pressing his claims from around 1392, and appears to have been supported in his efforts by the then earl of Carrick, David Stewart.<sup>24</sup> The king himself had revealed his preference for James by marrying him to his daughter, Mary Stewart, during the latter years of his reign, and also by conferring the office of 'kenkynnol' upon the said James in January 1406.<sup>25</sup> Despite this royal intervention, the dispute had simmered on and provided the duke of Albany with an early opportunity to assert his authority by reinforcing the crown's support for the position of James Kennedy, which was implicit in the latter's presence in the governor's company in July.<sup>26</sup> To further strengthen his commitment to Sir Gilbert and James, the governor attempted to consolidate his position in the

area by arranging the marriage of Elizabeth, daughter of the earl of Lennox, to John Stewart of Darnley, another landowner in the barony of Kyle, and he was back in Ayrshire the following year, confirming Cowal largesse to his grandson, Celestine Campbell.<sup>27</sup>

Unfortunately for the governor, however, his political machinations were to no avail and, by 1408, James was dead, apparently murdered at the hands of his step-brother Gilbert.<sup>28</sup> In August of that same year the Governor Albany was back in the west dealing with local affairs, but was undoubtedly primarily concerned with the ongoing Kennedy feud.<sup>29</sup> In this respect, it is notable that the governor is to be found three months later concluding an indenture with Sir Gilbert Kennedy at Stirling.<sup>30</sup> By this agreement, the governor promised to uphold Sir Gilbert's entailment of his inheritance upon the son and heir of the late James, and in return, Sir Gilbert made his 'dwelling and special retinue' with the governor. Patently, this indenture was of mutual benefit to both Sir Gilbert and the governor, but Nicholson's assertion that the duke 'drew profit' from the murder of James Kennedy is difficult to sustain.<sup>31</sup> In the first instance, by supporting the wishes of Sir Gilbert, the governor was merely continuing a policy that had been initiated during the reign of Robert III. Moreover, by the fact that he held the lands of the Stewartry in ward, the governor was obliged to provide leadership to the local kindreds by settling their disputes and feuds.

In the long term, it is known that John Kennedy eventually succeeded his grandfather as lord of Dunure, and presumably as 'kenkynnol' as well, however the acceptability of the



governor's settlement in the shorter-term is less easy to define.<sup>32</sup> Certainly, MacQueen relates a Kennedy tradition which tells of the murder of another one of Agnes Maxwell's sons, suggesting that the hostilities between the two sides of the family continued unabated for some time after the governor's intervention.<sup>33</sup> It was perhaps for this reason that, in 1409, the Governor Albany arranged the marriage of James Kennedy's widow to Sir William Cunningham of Kilmours, who was not only a local magnate and sheriff of Ayr, but also had long-standing links with the governor. Indeed, Sir William's earlier marriage to one of the daughter's of Sir Robert Danielston, the late sheriff of Dumbarton, had probably been arranged by the duke of Albany.<sup>34</sup> The governor also enjoyed other connections in Ayrshire by reason of his association with John Montgomery, lord of Ardrossan. The earliest reference to Sir John as the governor's 'confederate' is dated March 1414, but it is known that some form of relationship pre-dated the duke's appointment as governor in 1406.<sup>35</sup> Aside from the lord of Ardrossan's interests in the west, he also held land in north Fife and thus owed obedience to the duke as his feudal superior. It is also apparent that both the earl of Fife and Sir John had given their support to the lord of Crawford's claim to Buchan after 1388.<sup>36</sup> However, the bond between the two men is not extant and it is quite conceivable that it was concluded after 1406. If this is the case, the use of the term 'confederate' would imply that the governor was forced to deal with his peers on equal terms.

Such considerations may have been necessitated by the fact that the Kennedy feud was not the only cause of conflict in

the region. In October 1409, the governor was at Dumbarton dealing with the aftermath of what appears to have been a full-scale rampage through southern Ayrshire, which culminated the deaths of three men and the burning of their properties.<sup>37</sup> The most senior of the perpetrators was Thomas Boyd of Kilmarnock, a man known later to have associations with the Albany Stewart family, while, amongst the eighteen others cited as culpable was Robert Mure of Rowallan, a kinsman of the governor himself.<sup>38</sup> In this respect, the governor's decision to grant remission to all nineteen, gives the impression that he was guided more by self-interest rather than by the need to dispense justice. However, within the charter of remission, it is clear that this concession had only been granted on condition that a concord was reached between the warring factions, and also that appropriate compensation was paid to the family and friends of the deceased. This provision was reminiscent of the law on blood-feud with its clearly defined system of reparation.<sup>39</sup> Thus, it is quite possible that, denied recourse to the ultimate sanction of forfeiture, the governor was compelled to negotiate a settlement which deferred to local tradition, but, ultimately, was deemed satisfactory to all.

A more testing challenge for the governor's political skills was occasioned by the negotiations for the return of the earl of March, which had probably been initiated soon after Albany was appointed as governor. As noted in Chapter II, these negotiations had serious implications for the position of the earl of Douglas, who, since March's defection in 1400, had not only taken over control of the earldom of March, but had also assumed sole responsibility



for the security of the Anglo-Scottish border, where he seems to have enjoyed some success in winning over former adherents of Earl Thomas.<sup>40</sup> However, these achievements were to be compromised by his capture at the battle of Homildon Hill in September 1402.<sup>41</sup> Thereafter, Douglas appears to have come to some arrangement with his captor, the earl of Northumberland, and joined forces with him against Henry IV and the Scottish earl of March at Shrewsbury in July 1403.<sup>42</sup> Naturally, and in keeping with his sobriquet, the 'Tyneman', Douglas was again captured and held as prisoner of the English king thereafter.

During his subsequent years of imprisonment, the earl of Douglas went to some lengths to ensure that his position as the senior Marcher earl was maintained, and appointed deputies to take over his various responsibilities both on the Border and at Edinburgh Castle, where he had acted as keeper since 1400.<sup>43</sup> Nevertheless, it is clear that Earl Archibald was not entirely successful in his efforts. In a charter to Sir Alexander Gordon, lord of Stichel, the detailed warrandice clause betrays the difficulties facing the earl in dispensing patronage to his retainers while still a prisoner in England.<sup>44</sup> Moreover, although the earl's brother, James Douglas of Balvenie, had been left with overall responsibility for the security of the Marches after 1402, the earl of Orkney had also played a prominent role during Earl Archibald's absence, until his own capture alongside the heir to the throne in spring 1406.<sup>45</sup> Orkney was released soon after, and, despite the fact that both he and the earl of Douglas had been closely associated before 1402, the prospect that Earl Archibald would soon return to Scotland on a permanent basis, threatened to undermine the



ascendancy that Sinclair had hitherto enjoyed.<sup>46</sup> Indeed, according to a traditional account, the enmity between the two men was said to have been so pronounced that the earl of Orkney refused Earl Archibald safe passage through his Lothian lordships.<sup>47</sup> This very blatant display of hostility forced the earl of Douglas to grant the barony of Herbertshire to Orkney in November 1407, when the former was at Edinburgh enjoying a brief respite from his captivity.<sup>48</sup>

However, the other problems facing the earl of Douglas at this time were not so readily resolved. The complicity of the duke of Albany and Douglas in the death of Rothesay in spring 1402, had created a political alliance which was then interrupted by the capture of Earl Archibald later that year. Moreover, whatever understanding that may have endured between the two men, it had been irrevocably altered by the capture of James and the death of Robert III in 1406. Not only was Albany now governor of the kingdom, but he was also heir-presumptive, circumstances which put their relationship on an altogether different footing. As governor, Albany's principal obligation to defend the realm was considerably compromised by the continued exile of the earl of March, and, according to Wyntoun, the duke went to great pains to retrieve Dunbar from the clutches of the English king and secure his return to Scotland.<sup>49</sup> The governor may also have been inspired by a desire to introduce a measure of political balance on the Marches, and perhaps also by a reluctance to contemplate the re-animation of his old association with his brother-in-law now that he was governor.<sup>50</sup> Earl Archibald's suspicion that this was the governor's real motive in negotiating the

return of his rival, appears to be confirmed by the attitude of the duke towards the adherents of Douglas during his absence. Sir William Crawford, the earl's deputy at Edinburgh, was not always allowed his fee for custody of the castle, and, on occasion, was reduced to seizing the appropriate monies from the customers of the city.<sup>51</sup> As chamberlain, the governor must have had a hand in these obstructive tactics and, in 1408, he was certainly responsible for withholding the relief due from the barony of Aberdour, of which the earl of Douglas was lord superior.<sup>52</sup> It was probably also during that year that a General-Council held in October considered a dispute between the bishop of Dunkeld and Sir James Douglas of Dalkeith, and then pronounced judgement against the latter.<sup>53</sup> However, given the military vulnerability of the kingdom during the earl of March's exile, it is likely that the rest of the political community supported the governor's efforts to effect the return of Earl Archibald's rival. Bower's account of these negotiations mentions the fact that Albany made use of his son-in-law, Walter Haliburton of Dirleton as an intermediary, but it is likely that other magnates were involved in the discussions, including the earls of Atholl and Mar.<sup>54</sup>

These points must be taken into consideration when discussing the bond of friendship and mutual aid, which was made between the governor and the earl of Douglas in June 1409.<sup>55</sup> However, there are many modern historians who view this agreement solely within the context of an Albany-Douglas axis, and, indeed, cite it as confirmation of Shirley's statement that the two magnates apportioned the rule of the Scottish kingdom between them.<sup>56</sup> A slightly

different opinion is offered by Wormald, who also interprets the indenture as an agreement between ~~two~~ two equals, but places greater emphasis on the detailed provision made for the settlement of disputes between their respective followers and adherents.<sup>57</sup> Nevertheless, while it is undoubtedly true that nowhere within the indenture is reference made to the duke's position as governor - in contrast to his agreement with the earl of Mar - the circumstances of the bond suggest that it was the governor who was in the stronger position. Aside from the fact that Douglas felt it necessary to break his parole agreement with Henry IV in order to negotiate this bond, it is significant that the formalities were then concluded at Inverkeithing, in the governor's earldom of Fife.<sup>58</sup> Furthermore, the stipulation that the bond would become null and void if the duke succeeded to the estate of king, cannot have been lost on Earl Archibald, particularly as this was a very real prospect at this time.<sup>59</sup> Moreover, this indenture was just one element in what was to become a most protracted agreement for the return of Earl Archibald's rival.

It was not until October of that year Douglas received the lordship of Annandale, which had been resigned by the earl of March's son and heir in compensation for Earl Archibald's loss of the March earldom.<sup>60</sup> This very gradual drip-drip of concessions most probably reflects the governor's reluctance to resurrect his previous understanding with the earl of Douglas. It was, in fact, nearly two years later before arrangements were made for the marriage of the governor's son, John Stewart to Elizabeth Douglas, Earl Archibald's daughter, and, even



then, the nuptials were not formalised until another two years had passed.<sup>61</sup> This apparent procrastination is likely to have caused a measure of resentment amongst the Douglas family and their followers, and probably inspired Sir William Douglas of Drumlanrig and his brother Archibald to cultivate the patronage of King James in 1412, when expectations were high that he might be released.<sup>62</sup> In November of that year, the captive king granted various lands to the two brothers, but it was those confirmed to Archibald Douglas that held the most significance.<sup>63</sup> The barony of Cavers had been granted by Isabella, countess of Mar, to her nephew during the latter years of Robert III's reign, but this was then overturned by the king who bestowed the barony onto David Fleming of Biggar in August 1405.<sup>64</sup> It is known that the duke had supported this grant to Fleming, and the actions of the Douglas brothers undoubtedly reflects the fact that the governor had refused to re-consider his position after he assumed office.<sup>65</sup> Such was the anxiety of David Fleming's heir, Sir Malcolm, over the prospect that he might lose his lands, that he sought a marriage with the governor's daughter, Elizabeth, in August 1412. Although the marriage indenture is not extant, it is likely to have included a stipulation that the governor would maintain his new son-in-law as lord of Cavers.<sup>66</sup> In the event, the accession of Henry V in March 1413 quashed any hope that the Scottish king's deliverance would be immediately forthcoming. In this respect, it may be no coincidence that the governor's son and the daughter of the earl of Douglas were finally married by November that same year.<sup>67</sup>

It is probable that the governor's reservations with regard to Douglas were shared by many others within the political community. Under obligation to defend the sovereignty and independence of the Scottish realm, the rest of the political community cannot have been particularly enamoured by the terms of Earl Archibald's parole indenture with Henry IV in March 1407.<sup>68</sup> In a handwritten addendum, the earl promised to support the English king if either Scotland or France broke the current truce. Having just recently confirmed the Franco-Scottish alliance, the Scots would have found Douglas' actions distinctly disquieting.<sup>69</sup> There may well have been another ripple of alarm when details of Earl Archibald's indenture with the earl of Burgundy in April 1413 became known; particularly with regard to the latter's promise to send a 300-strong force to Scotland, if and when Douglas required.<sup>70</sup> In their pursuit of a near-independent foreign policy, Goodman compares the Douglas family with other 'semi-autonomous' magnates in Western Europe, such as the counts of Foix and the dukes of Burgundy themselves.<sup>71</sup> However, given the vulnerability of Scotland during the captivity of their king, and the coincidence of The Hundred Years War, such diplomatic forays assumed more sinister undertones. It may have been for this reason that the earl of Douglas was not full rewarded for his endeavours in defending the Scottish Marches. Although the earl was occasionally paid for holding March days, for most of the period of governorship he was forced to extract recompense for his onerous responsibilities by force.<sup>72</sup> This was in sharp contrast to the financial favours heaped upon the earl of Mar, who was relied upon to police that other frontier, the Highlands.<sup>73</sup> It can only be supposed that the reason for this



contradistinction was the refusal of either the General-Council or the auditors attached to the chamberlain, to endorse the payment of similar rewards to Earl Archibald.<sup>74</sup>

The denial of even semi-official patronage to the earl of Douglas was derived partly from the constitutional limitations imposed upon the governorship. As noted in Chapter II, both political principles and feudal law played a part in defining the governor's commission in 1406. The conciliar controls imposed included annual General-Councils, and though the evidence for a permanent body attached to the governor is elusive, it is apparent that the majority of the governor's Acta are place-dated at Perth, then the quasi-official headquarters of the government. Moreover, feudal law defined much of the governor's authority with regard to patronage and prevented both him and his council from disposing the crown's possessions. Thus, the granting out of annuities and retaining fees, employed with great gusto by both Robert II and Robert III, was not an option after 1406.<sup>75</sup> The General-Council did sanction one-off payments for specific purposes, but no grants could be made in perpetuity. These qualifications also applied to the conferment of lands and titles. In the previous chapter it was seen that the governor employed the expedient of inheritance to justify the elevation of his son, John Stewart, to the title earl of Buchan in September 1406.<sup>76</sup> But even here, the governor's awareness of his own limitations is evidenced by his decision to conduct the formalities in Aberdeen, far-removed from the centre of government and the glare of many of his peers. The governor's appointment of this same son to his own office of chamberlain in March 1407, could be



portrayed as yet another example of unrestrained nepotism, but it is significant that this time the transfer of authority was concluded during the simultaneous sitting of an exchequer audit and a General-Council, and thus is likely to have been given conciliar approval.<sup>77</sup>

These restrictions on the disposal of patronage filtered down through the ranks and affected the ability of the earl of Douglas, already under a degree of financial strain, to pass on any rewards to his own adherents.<sup>78</sup> Such considerations may have contributed to the hostility that is known to have erupted between the earl's retainers, notably the Douglasses of Dalkeith, the Hays of Yester, and the Borthwicks.<sup>79</sup> The earl attempted to mediate an end to these various feuds by employing the same methods used by the governor, and by arranging marital alliances between the respective families.<sup>80</sup> In this respect, it could be said that the difficulties facing Earl Archibald were a microcosm of those endured by the governor.

The position of the earl of Douglas was further undermined by the return of the Northumberland heir to England, which had been arranged in part exchange for the deliverance of the governor's son, Murdach, in the spring of 1416.<sup>81</sup> The reinstatement of the traditional guardian of the English Marches had the potential to present the beleaguered earl of Douglas with a more formidable opponent than he had faced in the previous incumbents.<sup>82</sup> It may have been this realisation that inspired the governor to make a very conspicuous show of support for Earl Archibald in the summer of 1417, when he agreed to act as joint commander during what became known as the 'Foul Raid'.<sup>83</sup> Although this

action achieved little in the way of tangible success, it is perhaps no coincidence that the earliest reference to the earl as 'Great Guardian of the Marches' occurred in the following year, and may represent a belated attempt by the governor to acknowledge the debt that was owed to Douglas for his defence of Scotland's frontier.<sup>84</sup>

Whether these concessions were made with the tacit consent of the political community as a whole is difficult to determine. There is no evidence for the sitting of a General-Council prior to the military action of 1417, and it may be that the governor took the decision to support his brother-in-law on a unilateral basis. It is certainly notable that the governor seems to have enjoyed a greater degree of freedom in the exercise of his authority during the later years of his term in office. This may be divined from the circumstances surrounding the entailment of the earldom of Ross onto John Stewart in June 1415, which appears to have been given conciliar approval, in marked contrast to John's earlier elevation to the Buchan title in 1406. Perhaps this latitude was what Wyntoun intended to convey when he stated that appreciation of the governor came late.<sup>85</sup>

The only other concession that may have been allowed to the earl of Douglas and his family concerned the earldom of Wigton, the title to which had been left in abeyance since the last earl, Thomas Fleming, had sold the lands to Archibald Douglas the Grim in 1372.<sup>86</sup> A document of doubtful provenance details an agreement which was said to have been made between the fourth earl of Douglas and Robert III in January 1402.<sup>87</sup> By the terms of this agreement the earl

promised his services in manrent, and in return, the king was obliged to give possession of the earldom of Wigtown to Douglas at the next General-Council. If the date of this document is accepted, the next council meeting concerned the culpability of the earl of Douglas and the duke of Albany in the death of the duke of Rothesay, and, in these circumstances, the king would have been disinclined to honour his earlier agreement regarding Wigtown.<sup>88</sup> However, although the evidence is highly conjectural, it is possible that the earl of Douglas used his earlier agreement with the late king as the basis for a renewed petition to the governor concerning his claim to this title. Thus the emergence of Earl Archibald's son as the new earl of Wigtown in 1419, at a time when the father appears to have been basking in the governor's favour, may not be coincidental. However, the moderating influence of the governor ended with his death the following year, and the earl of Douglas appears to have reverted to type by intervening in Anglo-Scottish diplomacy without the sanction of the Governor Murdach and his council.<sup>89</sup>

Most of the other candidates who might have qualified for the distinction as 'over-mighty' subjects, were to come from within the governor's own family. The presumptions of his nephews, the earl of Mar and the Lord of the Isles, have already been discussed, but one other claimant to this title is often overlooked, the governor's step-brother, Walter Stewart. The claims by Bower that Walter Stewart was an accomplice in the death of the duke of Rothesay in 1402, invites the conclusion that Walter, then earl of Caithness and lord of Brechin, also shared an understanding with Albany.<sup>90</sup> Michael Brown's assertion that the earl of



Caithness was then a committed supporter of his brother's agenda would seem to be borne out by Albany's decision to confer his recently-acquired earldom of Atholl upon Walter in 1404.<sup>91</sup> Yet the relationship between Walter Stewart and his brother was undoubtedly compromised by the former's ambitions in the Perthshire earldom of Strathearn. After the death of his brother-germane, David, in c. 1389, Walter acted as tutor to his niece and the Strathearn heiress, Euphemia Stewart.<sup>92</sup> Strathearn abutted the future governor's earldom of Menteith, and, thus, Walter's new responsibilities had the potential to create a source of conflict between the two brothers.<sup>93</sup> It was probably for this reason that the tutory of Euphemia was shared with Sir David Lindsay of Glenesk, who was not only the uncle of the young countess, but also a close political ally of Earl Robert.<sup>94</sup> Yet, despite the lord of Glenesk's watching brief, Walter was able to achieve a strong following in Strathearn, which is reported to have been aided by the links he fostered with the hereditary Stewards of Strathearn, the Drummonds of Concraig.<sup>95</sup> In this respect, the future governor's decision to arrange a marriage in c. 1402 between the Countess Euphemia and Patrick Graham, whose father and brother had long-standing connections with Earl Robert, can be viewed as an attempt to circumscribe Walter Stewart's growing authority in the region.<sup>96</sup>

However, according to Brown, the earl of Strathearn was persistently thwarted in his efforts to establish control over his new domain by Sir John Drummond of Concraig.<sup>97</sup> Earl Patrick then attempted to assuage Drummond's hostility by entering into a bond of friendship, which also provided for the marriage of the earl's sister to Sir John.<sup>98</sup> If this

arrangement can be dated to 1409, when the earl of Strathearn confirmed Drummond in his office as Steward, then it can be said to have endured for only a mere four years before the earl was 'treacherously killed' by his new brother-in-law at Crieff.<sup>99</sup> Bower relates that the governor had the perpetrators executed, while it was said Drummond died of dysentery soon after he fled to Ireland.<sup>100</sup> However, the suspicion of modern historians regarding the complicity of Walter Stewart in this murder, would seem to be sustained by the fact that it was he who gained most from Patrick's demise.<sup>101</sup> By May 1416, Walter was once again in control of Strathearn and, in his capacity as tutor of Euphemia's son, Malise Graham, he re-instated Malcolm Drummond in his inheritance as heir to Sir John, which included his title to the Stewardship of Strathearn.<sup>102</sup>

The circumstances of Earl Walter's assumption of the Strathearn wardship would appear to confirm the perception of the governor as a weak and impotent cipher for the ambitions of his more aggressive peers. Certainly, during the intervening period between Earl Patrick's murder and Earl Walter's instalment as the tutor of the former's son, the governor had made two attempts to secure control over the earldom through the marriage of his grandsons to the widowed countess.<sup>103</sup> Thereafter, the governor appears to have bowed to the inevitable and agreed that his step-brother be allowed to realise his own ambitions. However, it could be argued that Walter's promotion was merely a pragmatic acknowledgement of the links that he had already established in Strathearn. With Malcolm Drummond of Concraig, whose family had served the earls of Strathearn for generations, the earl of Atholl would have set in place

a formidable alliance that held out the promise of strong and effective lordship.<sup>104</sup> Moreover, the fact that the earl of Atholl's position in Strathearn may have been arranged by mutual agreement, rather than merely assumed by Walter himself, is suggested by a charter that is dated during the same the same month that he appears as tutor of Malise. Then Earl Walter witnessed a grant by the governor of the Dumfriess-shire barony of Malanok to Sir William Graham of Kincardine, the Countess Euphemia's brother-in-law, which may indicative of a negotiated settlement concerning the fate of Strathearn between the three interested parties.<sup>105</sup>

Thereafter, however, Earl Walter rarely appeared in the governor's company, in contrast to the previous ten years, and it may be that the Strathearn incident inspired a degree of enmity between the two brothers.<sup>106</sup> It is also possible that the earl of Atholl was regarded by some as a figurehead for opposition to the duke of Albany, during the later years of the governorship. This was certainly the perception of one of the governor's own retainers, Sir John of Wemyss, who approached the earl of Atholl in 1419 in the hope that Earl Walter's support would help him achieve satisfaction in his protracted legal dispute with the governor over the rents of the lands of Wemyss.<sup>107</sup> Unfortunately, the death of the first governor one year later, denies the modern historian the opportunity to elaborate further on these events, although there is evidence to suggest that the earl of Atholl offered little in the way of comfort to the second governor, Duke Murdach.<sup>108</sup>



If it can be said that the remit of the governor to dispense justice was largely defined by his relations with his peers, his commitment to the maintenance of law and order on a more general level is less easy to define. Throughout the reigns of both Robert II and Robert III various statutes were enacted that clarified the definition of serious crimes, such as 'murder aforethought', and tightened the proceedings for their prosecution.<sup>109</sup> Many of these enactments were extended to the regalities, giving the crown an unprecedented degree of jurisdiction over previously autonomous areas.<sup>110</sup> Further determination to ensure that justice was done is evidenced by additional ordinances pertaining to the conduct of crown officers, both with regard to their suitability to hold office and the frequency with which they were to hold their courts.<sup>111</sup> Unfortunately, however, the lacunae in the official parliamentary record for the governorship preclude any conclusions as to whether the governor and his council continued this legislative overhaul, or even whether the enactments that were already in place were discharged with any measure of diligence. Moreover, the lack of sheriff court records for the period preclude any similar conclusions with regard to the execution of justice in the localities.

The only other source for the governorship, the Exchequer Rolls, gives the impression that justice-ayres, chamberlain-ayres, and sheriff courts were held only intermittently. However, this same source suggests that financial records as evidence for the frequency of courts were only relevant when the issues exceeded the expense of holding the court in the first place. This was certainly true of the earl of

Douglas who resumed his responsibilities as southern justiciar after his return from England, but did not always pass on the returns of his court to the exchequer.<sup>112</sup>

In fact, recent work by MacQueen offers the conclusion that courts were probably held with a reasonable degree of regularity.<sup>113</sup> Of course, aside from the principle that justice should be available to any man who has complaint, on a very basic level the holding of a court was a most visible expression of a lord's power and authority.<sup>114</sup> It was seen in the previous chapter that the duke undertook his supervisory responsibilities with regard to his son's appointment as northern justiciar in 1389 seriously, and he is known to have deputised for Murdach during the latter's captivity in England.<sup>115</sup> After 1406, the governor returned north on at least six occasions and, in dealing with the aftermath of Harlaw in late 1411, most probably held some form of justice-ayre at which he recognosed the lands of Walter Ross of Balnagowan.<sup>116</sup> Although there is no evidence that Murdach resumed these responsibilities when he was delivered from captivity in the spring of 1416, his appointment as the governor's deputy most probably reflects the expectation that he would now take on many of the duties previously borne by his father.<sup>117</sup>

It is possible that certain legal procedures, such as recognoscence, required the personal attendance of the king or his lieutenant, and this may account for the frequent exhortations by parliament that this obligation be fulfilled.<sup>118</sup> However, the personal appearance of the governor at court proceedings also signalled his commitment to the maintenance of law and order in very general terms,

and this may explain why the governor chose to attend a chamberlain-ayre held by his son, John Stewart, at Irvine in 1417.<sup>119</sup> The governor also presided over legal disputes and complaints in General-Council. There are at least two documented instances where his peers took decisions contrary to the governor's own personal interests. One of these cases concerned the long-standing legal battle between the duke and Sir John Wemyss, and provides an insight into the way in which the governor fulfilled his obligation as president of the court, while allowing justice to be done without any improper interference on his part. This allowed the impression that the governor was not above the law, but, unfortunately he was not always as punctilious in complying with the council's adjudication thereafter.<sup>120</sup>

It has already been noted that the governor's inability to hold parliaments restricted his authority with regard to his judicial obligations, and denied recourse to the ultimate sanction of forfeiture. These limitations undoubtedly affected the way in which the governor responded to serious crime, particularly when the perpetrators were his own peers. Like the restrictions on patronage, this may have had repercussions at a local level, but, again, the of lack relevant records prevents this premise from being followed through to its natural conclusion. There is, however, at least one instance which supports this hypothesis and concerns the issue of judicial combat. This procedure appears to have been initiated as a last resort when all other attempts to conclude an end to a dispute have failed. This is implied by Bower's account of the judicial combat held at Perth in 1396, which was said



to have been arranged by local magnates after the intervention of both the future governor and the king failed to effect a resolution.<sup>121</sup> Thus the decision of the earl of Douglas to hold a trial by combat in his locality in 1412, could be seen as a failure of both the judicial process and of local lordship.<sup>122</sup>

In conclusion, therefore, the commission of 1406 defined the governor's relations with his peers at every level. The inherent constraints of this commission forced the governor to resort to a 'baronial' style of government in order to fulfil the political and social needs of the nobility. Thus the duke dispensed patronage in the same way as any other magnate, by arranging marital alliances and concluding indentures, which were then used as a means to repress opposition and to elicit co-operation. Many of the indentures were concluded on equal terms, with the governor being referred to as a 'confederate' and no acknowledgement made of his gubernatorial authority. This gives the impression of the duke as a weak and ineffectual regent, who was at the mercy of some of his more recalcitrant peers. While this is undoubtedly true to some extent, it was seen that the governor was able to use his limited options with some success, particularly with regard to the negotiations for the return of the earl of March. Here, although the governor most probably had the support of many within the political community, he was forced to temper the opposition of the earl of Douglas by employing his personal patronage. These considerations also invite the conclusion that the earl of Douglas was not as 'overmighty' a subject as generally portrayed, and also serve to qualify Shirley's representation of the earl as the real power in the south.

It was also apparent that the governor's peers allowed him a measure of manoeuvrability and freedom in the exercise of his authority during the latter years of his term of office. This latitude was most probably in recognition of the paradox that had been created in 1406, when the governor was charged with a wide-ranging remit with regard to law and order, and then denied the full authority required to fulfil this obligation. However, the governor's commission may also have evolved in response to the realisation that King James was not going to be delivered from his captivity in the immediate future, forcing the Scottish polity to face the prospect of a regency on a more permanent basis than was previously thought. In this respect, it becomes difficult to distinguish between the governor's personal and official relationships, and perhaps the most enlightening conclusion that can be offered is that such a distinction is not only ill-founded, but has little relevance to the way in which the balance of power was maintained.

## NOTES

1. Genealogie of the Sinclairs of Rosslyn, ed. R.A. Hay (Edinburgh, 1835), pp.21-3.
2. Chron.Wyntoun, (Laing), iii, p.8.
3. Eg. Nicholson, Later Middle Ages, pp.252,255.
4. Connolly, The Dethe, p.50.
5. Young, A., 'Noble Families and Political Factions in the Reign of Alexander III', in N.H. Reid ed. Scotland in the Reign of Alexander III (Edinburgh, 1990).
6. Chron.Bower, (Watt), viii, pp.33,35-7,43-9.

During the absence of Murdach, the governor promoted the latter's son, Robert Stewart, as his heir, allowing the designation 'of Fife', and giving him precedence in witness lists from at least 1407. Eg. R.M.S., I, no.892.

7. A.P.S., i, 582.
8. Chron. Bower, (Watt), viii, p.61.  
For the Lothian lands held by Sinclair, see:-  
R.M.S., i, no.931: A.P.S., vii, 142.  
Brown, M., James I, p. 15 .  
Boardman, Early Stewart Kings, p.280.
9. S.P., iii, 18 : R.M.S., i, no.884.  
See previous chapter for relationship between these families and the future governor.
10. A.B.Ill., iv, 181-2.
11. Chron. Bower, (Watt), viii, p.301.  
  
N.L.S., Adv. MSS. 34.6.24, p.39: Robertson, Index, p.140, no.20: R.M.S., I, app. ii, nos.1765, 1766.
12. S.P., I, pp.148-9.
13. Fraser, Lennox, ii, pp. 43-5, 49-51.  
Boardman, Early Stewart Kings, p.184.  
Walter Stewart, the grandson of the earl of Lennox and the governor, had custody of Dumbarton Castle by 1416.



E.R., iv, 242.

14. S.R.O. GD 160/1/6.  
The links between the governor and the Grahams dated back to the 1370's. R.M.S., i, 651, 685.
15. C.P.L., Benedict, p.75: Murray, Acta, RG. 137:  
S.P., I, p.149: R.M.S., ii, no.1431.
16. Fraser, Menteith, I, p.2: H.M.C., iv, p.478, no.79:  
Lamont Papers, no.12.
17. Fraser, Menteith, ii, pp.254-5, no.35.  
See Chapter IV n.118.
18. R.M.S., I, no.405.  
Fraser, Menteith, i, p.146.
19. A plan and illustration of Doune Castle may be found in  
S.H. Cruden, The Scottish Castle (Edinburgh, 1960)
20. In support of this premise it is notable that there is  
a single reference to a James Douglas - presumably the  
earl's brother - as the governor's 'lieutenant' in  
September 1407; while, at the exchequer audit of March  
1408, the earl of Moray was allocated a proportion of the  
revenues from the vacant see of Moray, ostensibly for the  
repair of the cathedral church. R.M.S., i, no.901:  
E.R., iv, 68-9.
21. Sinclairs of Rosslyn, pp.21-3.  
Nicholson, Later Middle Ages, p.185.  
Boardman, Early Stewart Kings, pp.39-45.
22. R.M.S., ii, no.27 : Murray Acta, RG. 1 A.
23. MacQueen, H.L., 'The Kin of Kennedy, "Kenkynnol" and  
the Common Law', in A. Grant and K.J. Stringer edd.  
Medieval Scotland: Crown, Lordship and Community  
(Edinburgh, 1993), pp.287-8.
24. S.R.O. Ailsa Muniments GD 25/1/24,25.

Carrick's charter is dated December 1400, but he is not noted as duke of Rothesay, which suggests a year-date of pre 1398.

25. Ibid., nos. 27,28.
26. See above, n.22.
27. C.P.L., Benedict, p.155: H.M.C., iv, p.478, no.79:  
Murray, Acta, RG. 179.
28. MacQueen, 'Kin of Kennedy', p.288: S.P., ii, p.449.
29. R.M.S., i, no.909.
30. S.R.O. GD 25/1/31.
31. Nicholson, Later Middle Ages, pp.255-6.
32. Chron.Bower, (Watt), viii, p.265.
33. MacQueen, 'Kin of Kennedy', p.292.
34. R.M.S., i, no.90.  
S.R.O. Lennox Charters and Letters GD 220/2/1/41.
35. H.M.C., x, p.8, no.14.
36. S.R.O. GD 3/1/3645: H.M.C., x, p. 8, no.9.
37. S.R.O. Boyd Papers GD 8/1.
38. Brown, M., James I, p.46.  
Chron. Bower, (Watt), viii, p.241.
39. Duncan, Kingdom, p.108.
40. Hume, D. of Godscroft, The History of the Houses of  
Douglas and Angus (Edinburgh, 1644), pp.113-4,116.  
  
Goodman, A., 'The Anglo-Scottish Marches in the  
Fifteenth Century: A Frontier Society?', in R.A. Mason  
ed. Scotland and England: 1286-1815 (Edinburgh, 1987),  
pp.28, 29.
41. Chron.Bower, (Watt), viii, p.49.
42. Ibid., pp.57-9.
43. Fraser, Douglas, iii, nos. 298, 349, 356.
44. Ibid., no. 357.

45. Chron. Bower, (Watt), viii, p.61.  
Brown, M., James I, pp. 15-17.
46. Sinclairs of Rosslyn, p.21.  
Henry Sinclair was married to Egidia Douglas, Earl Archibald's niece. C.S.S.R., i, 304.  
N.L.S. Adv. MSS.80.4.15., p.146.  
S.R.O. Swinton Charters GD 12/16; Elibank Papers GD 32/3/2.
47. Sinclairs of Rosslyn, pp.23-4.
48. Ibid., pp.66-7.
49. Chron. Wyntoun, vi, p.394.
50. Grant, Independence, p.186.  
See also, Chapter III, n.359.
51. Eg. E.R., iv,44-5, 81: Fraser, Douglas, iii,no.356.
52. E.R., iv, 44.

Although James Douglas may have been allowed the title of 'lieutenant' during the early years of the governorship, there is evidence to suggest that this was done with some reluctance on the governor's part, particularly as the latter appears to have blocked payment to James for expenses incurred during a raid on the town of Berwick. R.M.S.,i, no.901: E.R.,iv,44,80-1.

53. S.R.O. R.H.Inv. 6/2/221.
54. The earl of Mar had previously supported Fleming's claim to Cavers, but appears to have come to terms with Douglas by 1410 when he received lands in Bothwell.  
N.L.S. Ch. 15549  
Chron.Bower, (Watt), viii, pp.73-5:  
R.M.S., I, no.910: C.P.L., Benedict, p.332.  
H.M.C., Mar and Kellie Suppl.Report (1930), p.15.

In September 1409, Walter Stewart received the lands of the barony of Cortachy, Forfar, following upon the resignation of the earl of Douglas. Murray, Acta, RG 68.



55. Fraser, Menteith, ii, pp.277-80, no.49.
56. Nicholson, Later Middle Ages, p.231.  
Brown, M., 'Scotland Tamed?', p.142.  
Connolly, 'The Dethe', p.50.
57. Wormald, Lords and Men, pp.39-41.
58. A.B.Ill., iv, 181-2.
59. There were only three brief occasions during Duke Robert's term in office when the expectations were high that the king would be released.
60. R.M.S., i, no.920.
61. C.P.L., Benedict, p.234: R.M.S., i, nos.945, 949.  
Fraser, Menteith, i, pp.210-211.
62. C.D.S., iv, 828: H.M.C., vii, p.727.
63. For the background to these disputed lands see:-  
Boardman, Early Stewart Kings, pp.288-9.
64. N.L.S. Ch.15548.
65. The duke had witnessed the earl of Mar's obligation to Fleming re: Cavers in 1405. N.L.S. Ch .15549.
66. C.P.L., Benedict, pp.254-5.
67. R.M.S., i, no.949.
68. Fraser, Douglas, iii, pp.46-7, no. 52.
69. A.P.S., xii, 20-1.
70. Vaughan, John the Fearless, p.260.
71. Goodman, A., 'Letter from an Earl of Douglas to a King of Castile', in S.H.R., lxiv (1985), pp.68-74, @p.74.
72. Eg. E.R., iv, 80, 142, 143, 177, 201.
73. See above, Chapter IV.

74. Murray, A., 'The Procedure of the Scottish Exchequer', in S.H.R., xl (1961), pp.89-117.
75. Nicholson, Later Middle Ages, pp.210-1.
76. Murray, Acta, RG.5.
77. R.M.S., i, no.889.
78. Grant, Independence, p.185.
79. C.S.S.R., i, 278, 304: C.P.R.,vii,170.
80. Ibid., 170: C.S.S.R.,I, 304.
81. C.D.S., iv, 873.
82. Bradley, 'Henry V', p. 185.
83. Chron. Bower, (Watt), viii, p.87.
84. C.P.L., vii, 68-9.
85. See Chapter IV, p.276: Chron.Wyntoun, vi, p.419.
86. N.L.S. Ch. 15537.
87. N.L.S. Dunrobin Papers Dep. 313, Box xvi, Bndle.I, no.11.

The Dunrobin MS.contains a collection of charters transcribed in the mid-seventeenth century. This particular charter is given in the vernacular and is quite clearly dated February 1402. It is not known if the transcriber modernised the date in the original document, or copied the date as it was written. The latter possibility would, of course give a modern reckoning of 1403, when Douglas was being held captive by the earl of Northumberland. However, Boardman invites the supposition that Douglas was allowed a degree of latitude during his imprisonment throughout the summer of 1403, and it is possible that his apparent freedom to travel across the Border can be dated to earlier in the year. Boardman, Early Stewart Kings, pp.269-70.

Another anomaly concerns the fact that the earl's name is noted as 'James', although the document clearly states that the concession was granted by Robert III. Despite these irregularities, it is still tempting to

accept the charter as genuine, given the pattern of events during the later years of Duke Robert's governorship.

88. A.P.S., i, 582-3.
89. Chron. Bower, (Watt), viii, p.113.  
See below n.108 for the indenture Douglas made with Henry V in 1421.
90. Ibid., p.301.
91. See above n. 11.  
Brown, M., 'Earl of Atholl', p.27.  
Brown, M., James I, p.85.
92. H.M.C., vii, p.706.
93. Brown, M., James I, p.85.
94. H.M.C., vii, p.706.
95. Brown, M., 'Earl of Atholl', p.27,n.3.
96. S.R.O. GD 160/1/16.
97. Brown, M., James I, p. 85.
98. Chron.Bower, (Watt), viii, p.83.
99. Ibid., p.83.  
S.R.O. GD 160/114/4.
100. Chron Bower, viii, (Watt), p.83.
101. Brown, M., James I, p.85.

It is curious, however, that Bower makes no mention of Earl Walter's involvement in the death of Strathearn, yet doesn't hesitate to blame him for the deaths of Rothesay and James I. For a traditional account that lays the blame of Strathearn's death on a feud between the Murrays of Ogilvy and the Drummonds of Concraig, see:- Drummond, W. The Genealogy of the Most Noble and Ancient House of Drummond [1681}, privately printed, (Glasgow,1889).

102. S.R.O. GD 160/1/7,8.



103. C.P.L., Benedict, pp.295-6, 324-5.
104. S.R.O. GD 160/1/2; 160/1/3/1,3.
105. R.M.S., ii, no.168.
106. Earl Walter intermittently witnessed the governor's Acta and occasionally served on his magnatial councils. Eg. S.R.O. GD 160/14/2.  
R.M.S., i, nos.883,884,885,941.
107. Fraser, Wemyss, ii, no. 34.
108. In 1421, the earl of Douglas made a unilateral attempt to arrange the return of the Scottish king. The safe-conduct for Douglas travelling to England at this time mentions the earl of Atholl, although it is not known if he ever accompanied Douglas. Rot.Scot,ii, 228.
109. A.P.S.,i, 547, 550, 570.
110. Ibid.,547, 550,570, 575.
111. Duncan, 'Councils-General', pp.135, 137.
112. N.L.S. Adv. MSS.80.4.15: E.R., iv, 103, 133:  
Fraser, Douglas, iii, no. 363.
113. MacQueen, Common Law, pp.55-6, 59.
114. A.P.S., i, 557.
115. E.R., iii, 644.
116. Murray, Acta, RG. 5: S.R.O. GD 16/3/5.  
R.M.S., i, no.915: Fraser, Douglas, iii, no. 49.  
S.R.O. GD 137/1475 : GD 297/195.  
Chron. Bower, (Watt), viii, p.77.
117. S.R.O. R.H.6/2/252.
118. Eg. A.P.S., i, 550: S.R.O. GD 297/195:  
S.R.O. Haddo House Muniments GD 33/36/1.  
C.f. MacQueen, Common Law, p.55.
119. Fraser, Menteith, i, p.226.

120. The governor is said to have taken no part in the adjudication process during the case of Sir John Wemyss. Fraser, Wemyss, ii, no.34.

The other judgement concerned Sir John Ross of Hawkhead and the lands of Waterston in the constabulary of Linlithgow. It is interesting to note that the decision given in Sir John's favour at a General-Council in 1416, had to be reiterated two years later at another General-Council. It is not known if the Ross family regained possession of their lands during the latter years of the governorship, though they certainly did thereafter.

Duncan, 'Councils-General', p.141.  
S.R.O. GD 20/7/184,iii.

121. Chron.Bower, (Watt), viii, pp.7-9.

122. Ibid., p.83.

The use of trial by combat as a last resort is substantiated by the research of Neilson.

Neilson, G., Trial by Combat (Glasgow,1890), pp.256, 259, 261.

## CHAPTER SIX

### THE SPIRITUAL REALM

In the annals of Scottish history, Pope Celestine III's acknowledgement of the Scottish Church as the filia specialis of the Holy See, was as relevant to the cause of independence as either the near contemporary Quitclaim of Canterbury or the treaty concluded at Edinburgh in 1328.<sup>1</sup> Yet it would seem that bias harboured by many historians against the early Stewart kings has engendered a certain lack of interest in the contemporary events occasioned by the inauguration of the Great Schism in 1378, and the part played by the Scottish Church thereafter. Indeed, the political significance of the Schism was recognised by the contemporary chronicler Walter Bower, in whose mind the issues arising from the Hundred Years War and the Great Schism were indelibly confused.<sup>2</sup>

Moreover, where the implications of the Great Schism have been discussed, historians have been inexorably drawn to their customary predilection for the political interplay between the Governor and the captive King James. This somewhat superficial treatment ignores the research opportunities presented by the study of the relationship between the crown and the church, at a time when its changing nature was both accelerated and accentuated by the Schism itself, and the absence of the king. The symbiotic character of the relationship between the crown and the church is exemplified by the way in which the diplomatic rivalry between Scotland and England impinged upon religious matters, with English interference at both a national and a local level. This friction may offer some insight into Scotland's persistent obedience to a pope not recognised by England, and who became increasingly marginalised by international opinion during the closing years of the Great Schism. But there were theological as well as political dilemmas facing Scottish churchmen at



this time, not least by the perceived threat from the new heresy of Lollardy with its potential to foment dissent and bring into question Scotland's obedience to the Avignon pontificate. Two interesting aspects of the spread of Lollardy at this time relate to whether it was truly disruptive, and to what extent its prevalence reflected upon the spiritual vulnerability of the Ecclesia Scoticana. Scotland's attitude to heresy was bound up with the way in which the church and state responded to the calls for reform, while apparently remaining aloof from the church council held at Constance during the latter years of the first duke of Albany's governorship. The currency of conciliarist ideas in late medieval Scotland has already been considered in a previous chapter, but will be re-examined with regard to whether these ideas, and the concern felt by senior clergy for the problems within the church, were stifled by political necessity.

Of further relevance to the question of heresy and the Schism itself, was the appearance of the captive King James on the international stage to promote the foundation of Scotland's first university at St Andrews. The innumerable theses propounded for the rationale behind the establishment of St Andrews university will be discussed with reference to the way in which the foundation offered a solution to the political and theological problems experienced by the national church and its clergy during the Great Schism. Moreover, the links forged by King James during his first foray into the theological debate offer an insight into the way in which the unified obedience to Benedict began to disintegrate in the face of international pressure to conform with the rest of Christendom and the edicts of Constance. However, it is also pertinent to question to what extent the closing years of the Schism offered King James the opportunity to gain support for his plight both at home and abroad, and also to ponder whether the young king's intrusion

compromised the position of the governor in his rôle as defender of the faith.

That the election of Martin V at Constance in November 1417 did not mark the definitive end of the Great Schism in Scotland, has often been seized upon by historians as evidence for the Governor's manipulation of events to secure his own ends. Yet this conclusion ignores the fact that the new pontificate was neither immediately nor unconditionally accepted by the rest of western Christendom. Nevertheless, it is relevant to examine the degree to which the political complexities that persisted within Scotland, beyond the election of Martin V, became indistinguishable from the political partisanship which characterised the last few years of King James's captivity in England. However, before looking in depth at these discussion areas, it is worth exploring the exact nature of the authority of the governor and his responsibility in relation to the national church.

In an earlier chapter, the constitutional basis for the appointment of the governor was partly extrapolated from what is known of the nature of medieval kingship. The rather nebulous obligations of the crown with regard to the church can be seen in the themes of the fifteenth century works The Harp and the Meroure of Wyssdome, where the moral responsibilities of the crown are emphasised and the king is exhorted to pursue Christian ideals and exercise his authority according to God's Law.<sup>3</sup> More specific duties can be elucidated from the medieval coronation oath and by examining the extant commissions for the lieutenants and guardians who intermittently held the reins of government during the previous century. That the crown came to have an especial duty to protect the laws and liberties peculiar to the first estate can be seen from Sir Thomas Randolph's commission as guardian, which was probably modelled on the oath taken by Robert I



before his coronation, where he was charged with the duty of observing the 'rights and customs of the realm, clerics and people'.<sup>4</sup> By the time of Robert II's coronation in 1371, the king was sworn to defend each estate 'in ther auen fredome', and when the duke of Rothesay was commissioned as lieutenant in 1399, his oath was stated to be modelled on that taken by his father, Robert III, at his coronation in 1390.<sup>5</sup> Here Rothesay was to act in 'all thyngis that the kyng in his cronnyng was suorne for to do to haly kyrke', with 'the fredome ande the ryght of the kyrke to kepe undamyste'.<sup>6</sup>

There is no mention of the duty of the duke of Albany towards the church during his tenures as lieutenant from 1388, but this may merely reflect the fact that the immediate concern of the Scottish General-Council was the defence of the realm, together with the improved administration of justice.<sup>7</sup> As noted in Chapter III, Albany's commission as governor is not extant but, given that it has been shown to be based upon the full authority of the king with only one or two limitations, the governor would have been expected to defend the autonomous rights of the church with the same vigour as those of the laity. This point is reinforced by the chronicler Wyntoun who, in praising the governor's attitude to heresy, demonstrates the way in which the secular authority was expected to support and complement the law of the church.<sup>8</sup> Indeed, although the Ecclesia Scoticana was technically subject only to Christ's vicar on earth, in reality the influence of the crown penetrated all levels of the bureaucracy of the church. This became more apparent as the Schism wore on and the rival popes, anxious to maintain the obedience of their respective Christian states, increasingly deferred to the local wishes of individual sovereigns. Seeing the balance of power drifting away from the papal curia to the royal chancery, in 1386 Pope Clement VII sought to prevent further dilution of ecclesiastical



liberties by granting faculty to Walter Trail, bishop of St Andrews, to hear cases of first appeal without recourse to the Apostolic See, thereby avoiding the intervention of the civil courts.<sup>9</sup> However, five years later, a parliament held at Scone overturned a decision given by Bishop Trail regarding an appointment made by the bishop of Moray.<sup>10</sup>

Despite enjoying status as the 'special daughter' of the Holy See, Scotland did not have metropolitan status. Nevertheless, since 1225, the Scottish bishops had been authorised to hold a provincial council of the church, at which one bishop was chosen on an annual basis to act as a 'conservator of the privileges of the Scottish Church'.<sup>11</sup> This autonomy was to be mitigated somewhat by the crown's insistence on representation at the councils of the church, and, in 1401, the liberty of the church was further compromised when the General-Council enacted that the business of ecclesiastical appeals was to be restricted to the Provincial Council, effectively denying recourse to the curia for the duration of the Schism.<sup>12</sup> That the Schism itself was responsible for this realignment of the crown-church relationship was given its most potent expression in 1418, when it was notable that the General-Council, and not the Scottish Church, took the decision to withdraw Scotland from the obedience of Benedict XIII and adhere to the new pope appointed at Constance.<sup>13</sup> This assumption of absolute authority over the church was reinforced by the ordinance of the Governor and the Estates which stipulated that, during the period between Pope Martin's election and Scotland's formal offer of obedience, no supplications were to be made to the new pope.<sup>14</sup>

While the medieval pope enjoyed innumerable rights of reservation and provision to both secular and regular benefices, in practice the crown had long been accustomed to nominating their own preferred candidate to senior

appointments.<sup>15</sup> This de facto authority was given tacit acknowledgement by successive popes, before it was encapsulated in an Indulgence of 1487 by Innocent VIII.<sup>16</sup> That this power of patronage was inherited by the duke of Albany as Scotland's first governor is easily evidenced by a perusal of the published Vatican archives of the period, and may even have been enshrined in parliamentary statute, as it came to be for a later governor.<sup>17</sup> Certainly, it was Albany as governor who supplicated Martin V on behalf of the clergy to protect those provisions and graces made by Benedict XIII before Scotland's adherence to Martin.<sup>18</sup> The spiritual welfare of the church was most properly the exclusive domain of the clergy, but even here the new wave of heresy gave the crown further opportunity to intrude. The premise that the king was expected to support the first estate in its assault on Lollardy and other heterodoxies is seen from the commission given to the king's lieutenant in 1399, when the duke of Rothesay was expected 'to restregne ... and specially cursit men heretiks and put fra the kirk at the request of the Kirk'.<sup>19</sup> No doubt the governor's commission included a similar exhortation which, according to Wyntoun, was pursued assiduously.<sup>20</sup> Indeed, it was during Albany's governorship that the first Lollard in Scotland, though condemned by a Provincial Council of the Church, was executed by the secular authorities.<sup>21</sup> However, the governor assumed other spiritual obligations which less obviously required secular intervention. It was he who petitioned Pope Benedict to mandate the abbots of Dryburgh and Holywood to carry out a visitation of all Premonstratensian houses, whose welfare had been neglected by the father abbots in England and Premontr  during the Schism.<sup>22</sup>

The premise that the Schism engendered an enhanced r le for the crown as the defender of the church can be seen by examining Scotland's relations with England, which



demonstrates the way in which political and religious issues could become blurred. This close interrelationship has been recognised by one historian who noted that the English 'claims of superiority over the Scottish Church were contemporary with the claims over the crown'.<sup>23</sup> When Pope Gregory the Great devised his 'master-plan' for the church in Britain, he envisaged the arrangement of British dioceses into two provinces, and granted York metropolitan status with authority over the area north of the Humber. This denial of metropolitan status, and thereby independence, for the Scottish Church was to be confirmed by the Council of Windsor in 1072.<sup>24</sup> However, it was not until early in the following century, during the reigns of Alexander I and David I, that the Scottish kings embarked upon a vigorous campaign to loosen the control of York over the national church. The impetus behind these efforts was partly due to a wish harboured by the Scottish crown to effect greater control over their own church and its clerics, but also to assert their own status as divine monarchs. This is seen by the repeated petitions to the pope by Scottish kings for permission to be crowned and anointed, all of which were vigorously rebutted by successive English monarchs anxious to maintain their superiority over their smaller neighbour.<sup>25</sup> The rôle of the papacy as a buffer for English pretensions became especially apparent during the first War of Independence, when Boniface VIII questioned King Edward's claim to sovereignty over Scotland.<sup>26</sup> Though successive popes did not always regard the Scottish cause with such partiality, the papal curia was to become a natural recourse for Scotland's monarchs when exasperated by the intransigence of their English counterparts.<sup>27</sup>

Given the enduring enmity between the two countries, it was no surprise that the advent of the Schism saw Scotland and her political allies in southern Europe claiming obedience to the Avignon pope, Clement VII, while England



and the German states adhered to the pontificate of Urban VI at Rome.<sup>28</sup> Indeed, it could be said that the circumstances of the Schism and the coincidence of the continuing friction between Scotland and England, combined to produce remarkable similarities with the events of the first War of Independence. An obvious example of the way in which political considerations intruded upon religious matters can be evidenced by examining the relationship between the Scottish Crown and the Priory of Coldingham.

Since the time when King Edgar granted Coldingham to the monastery of Durham, the preceptory of Coldingham had been ruled by the abbot of Durham, to whom fell the responsibility of appointing the prior.<sup>29</sup> Even before the advent of the Schism produced the anomaly of 'schismatic' monks on Scottish soil, the crown had lent tacit support to the ambitions of Scottish magnates in the temporal lands of Coldingham while allowing the claims of Dunfermline Abbey to superiority over the priory.<sup>30</sup> It was, therefore, inevitable that following the imprisonment of the first Scottish prior of Coldingham by the bishop of Durham in 1376, Robert II would authorise the passing of control over Coldingham to the Abbey of Dunfermline two years later.<sup>31</sup> In the tit-for-tat style of diplomacy that followed, the Avignon pope, Clement VII, granted permission to the bishops of St Andrews and Glasgow to pursue criminal charges against the English prior of Coldingham, Robert Claxton. The strength of feeling against Claxton is reflected in the twelve articles cited against him, including allegations of treason and conspiracy, and led to the Englishman's exclusion from office in 1379.<sup>32</sup> By 1392, however, pressure from Durham and the Scottish earl of March, in whose domain Coldingham stood, resulted in an agreement being reached between the crown and Durham, whereby English presentation to Coldingham was to be conditional upon the candidate being 'suffissant' to the Scottish king.<sup>33</sup> The lack of precise

definition regarding overall superiority led to further friction and the newly-appointed English nominee, John Aclyf, was expelled from Coldingham when he refused to offer obedience to the bishop of St Andrews, thus allowing the reinstatement of the Dunfermline succession in the person of John Steel in c. 1394.<sup>34</sup>

The earl of March may well have interceded a second time on Aclyf's behalf, for the English prior appears to have returned from exile some time prior to 1398.<sup>35</sup> However, deteriorating relations between Scotland and England after the accession of Henry of Lancaster, initiated yet another period of what one historian has described as 'chauvinistic nationalism', and which was characterised by suspicious enmity towards the Durham appointee.<sup>36</sup> Henry IV's invasion of southern Scotland in 1400, was to be compounded by his demands for fealty from the Scots, and these demands were pursued by the English king over the next two years before the disastrous showing of the Scots at Homildon Hill. During this period the earl of March, in exile himself since 1400, used his local knowledge to support the new English king in his bid to subdue southern Scotland, with attacks on Haddington, the castle of Cocklaws, and elsewhere in East Lothian.<sup>37</sup>

In the midst of this turmoil stood the Priory of Coldingham which, though now nominally within the domain of the earl of Douglas, may well have offered more practical aid to the English aggressors than mere sanctuary, if the criminal charges against the previous English prior are to be believed.<sup>38</sup> The accusation that Claxton informed upon 'the counsel of the king and the secrets of the kingdom' may well have been true of Aclyf, who was forced to endure a further period of exile during the politically sensitive years immediately after Henry IV's invasion.<sup>39</sup> At what point in time Aclyf returned to claim Coldingham from the Dunfermline monk, Richard



Mungall, is unclear, but it was not long after the appointment of the duke of Albany as governor that Aclyf was again expelled from the country, following a General-Council held at Perth, possibly in May 1409.<sup>40</sup>

This action is highly reminiscent of that taken in 1296 by the twelve Guardians on behalf of the 'incompetent' Balliol, when twenty-six English clerics were expelled from the diocese of St Andrews and could, therefore, be construed as being wholly driven by anti-English sentiment.<sup>41</sup> Certainly the circumstances of the two rival pontificates removed the threat of excommunication for English aggression against Scottish religious houses, and the ongoing state of war with England had led to the burning of several monasteries and churches in Scotland with vindictive impunity.<sup>42</sup> Walter Bower, himself vigorously anti-Durham, details the duplicity of the English in their murder of Scottish canons at Jedburgh and Dryburgh during the reign of Robert II.<sup>43</sup> Indeed, it may well have been these assaults on Scottish clerics and their churches that led Thomas Rossy, bishop of Galloway, to accuse the English of unholy deceit in their preferment of Urban VI over the true pope at Avignon.<sup>44</sup>

Nevertheless, there is evidence to suggest that the moves against Aclyf were motivated by more than mere anti-English sentiment. In the first instance, it must be presumed that the General-Council statute was enacted with the backing of the majority of Scotland's prelates, including the bishop of St Andrews, Henry Wardlaw, who was later to support the de jure claims of Durham to present their nominees to Coldingham.<sup>45</sup> Furthermore, following Aclyf's return to Coldingham by February 1411, Prior Hemingburgh of Durham was moved to write to Aclyf to point out that 'it is the said waste, isolation and remiss rule [which] are the reasons why the Scots attack our rights'.<sup>46</sup> The delapidation of Coldingham was such that



the newly-resinstated prior was enforced to enter into a financial transaction with one of his tenants for the sum of 220 English nobles, paid 'to us in our great and urgent need and for the reparation of said house of Coldingham'.<sup>47</sup> Aclyf's return was prompted by the intervention of Henry IV, who wrote to the governor on this matter, but also by the active support of the earl of Douglas who, as keeper of the Coldingham lands and a pensioner of Durham to the sum of £108 annually, had a vested interest in maintaining the English succession.<sup>48</sup>

The governor's reluctant acceptance of Aclyf's reinstatement was most probably conditional upon the prior's good behaviour. However, not long after his return to Scotland, the bishop of Durham was constrained to write to Aclyf complaining of the violation of sanctuary at Berwick-upon-Tweed.<sup>49</sup> Whether this violation related to Aclyf's suspected anti-Scottish activities on the Border is unknown, but, whatever the reason for the bishop's disquiet, the Englishman appears to have persisted in his questionable pursuits. By November 1413, the official of St Andrews, John Scheves, was mandated to investigate complaints against Aclyf and his sacristan, William Drax.<sup>50</sup> Drax seems to have been recalled to Durham, but the charges against Aclyf proceeded no further and, for the final four years of his office, the English prior of Coldingham continued in his ministrations without further complaint.<sup>51</sup> This lull in relations between Durham and the Scottish government may well have been occasioned by the intervention of the earl of Douglas, who had returned from Flanders by the late autumn of 1413, just in time to prevent Aclyf's deprivation.<sup>52</sup> Nevertheless, Aclyf's failing health and his eventual replacement by his controversial sacristan, William Drax, provided yet another opportunity for the barely-suppressed antipathy towards the English monks to come to the surface.<sup>53</sup> The rôle of the rehabilitated earl of March in maintaining the

Durham succession is apparent by the coincidence of Drax's presentation to bishop Wardlaw as the new prior of Coldingham, with the admission of the earl into the monastic confraternity at Durham in 1418.<sup>54</sup> Indeed, it is distinctly possible that March, in so supporting Drax, was attempting to regain his influence over the valuable Coldingham lands as part of a wider campaign to secure his political revanchism on the Scottish marches.<sup>55</sup>

If Drax did indeed exploit the rivalry between the two Marcher earls, it appears that his political acuity deserted him when he omitted to offer fealty to the governor for the priory's temporal lands. On 6 March 1418, the duke of Albany summoned Drax to his presence to show by what authority he 'entermets' with the priory of Coldingham, as he had not made 'fewte till us' as previous priors had done.<sup>56</sup> At what point the English monk acquiesced to the governor's demands is unclear. In June of the same year, Drax was summoned by Albany to attend the October 1418 General-Council ad tractandum, concordandum, subeundem et determinandum ... pro utilitate regni et rei publice....<sup>57</sup> No mention is made of unremitted fealty and this document appears to be a straightforward parliamentary summons to discuss the issue of obedience to the new pope, Martin V. If Drax did indeed offer obeisance to the governor by June 1418, it does seem somewhat anomalous that the new prior was not admitted to the temporalities of Coldingham until May of the following year.<sup>58</sup>

Some insight into the rationale behind this exceptional delay may be explained by the fact that the Dunfermline succession had continued during the controversy over Drax's appointment. Andrew Raeburn, a Dunfermline monk and seventh in the Scottish succession, had been transferred from Coldingham to the priory of Urquhart, a dependant cell of Dunfermline, sometime during the summer of 1418.<sup>59</sup>



It is interesting to note at this point that there may well have been some friction over the priorship between the duke of Albany and Douglas, for Raeburn had previously been associated with the latter while a monk at Kilwinning, and Robert Boumaker, a monk of Arbroath and one of the two Scottish contenders for Coldingham who then emerged, was most probably supported in his claim by the governor.<sup>60</sup> Boumaker was eventually pensioned off, while the Dunfermline candidate, William Bron, was to pursue his claim through the papal courts during the next three or four years.<sup>61</sup>

Drax's hold on the priory of Coldingham was to be shortlived, however, as he appears to have surpassed even Aclyf in his ability to irritate the Scottish government. One month after Drax was inducted as prior by the bishop of St Andrews, he is found in ignoble exile serving as an almoner in the priory of Durham.<sup>62</sup> According to Bower, Drax set fire to the church at Coldingham in a malicious attempt to oust a group of Scottish refugees who had sought sanctuary there.<sup>63</sup> The editor of Bower's Scotichronicon questions the credibility of the chronicler's account, yet the details provided by Bower as a contemporary witness, well-acquainted with the south-east of Scotland, bear a remarkable coincidence with the known events of the summer of 1419.<sup>64</sup> Between April and July 1419, the Scots were engaged upon a campaign directed against English-held garrisons on both sides of the border, culminating in the daring, but short-lived, capture of Wark Castle.<sup>65</sup>

The reaction of the Scottish government to Drax's perceived treachery was swift and uncompromising. The English prior's precipitate flight from Scotland was followed, later that year, by the governor's recognoscence of Coldingham's temporal revenues at a General-Council held at Perth.<sup>66</sup> The first estate also took swift and



exemplary action against Drax and his colleagues when they sequestered the spiritual revenues of Coldingham and initiated proceedings of excommunication, at what seems to have been an extraordinary meeting of the clergy in May 1420.<sup>67</sup> However, the hostility shown towards the Durham apointee by the Governors Albany was to be countermanded by King James less than three months after his liberation from English captivity, when the rights of Durham over Coldingham were confirmed at the king's first parliament in June 1424.<sup>68</sup> It could be argued that the newly-returned king was merely rubber-stamping the papal curia's decision in favour of Drax, but there is evidence to suggest that other factors influenced James' pro-Durham stance.<sup>69</sup>

The final negotiations for the release of King James had taken place at Durham in the early months of 1424, and it is known that Prior Wessington of Durham took this opportunity to make a personal appeal for the reinstatement of Drax and the rights of Durham.<sup>70</sup> The Scottish king may have been swayed by assurances from Wessington as to Drax's future conduct, but, given James' earlier complaints regarding the indifference of the Albany Stewarts to his long captivity, it may well be that the king needed little encouragement to reverse the policy of his uncle and cousin in their support of the Dunfermline succession.<sup>71</sup> As will be seen, in the aftermath of Martin V's election, the king ultimately failed in his repeated attempts to subvert the rôle of the governor in his negotiations with the papal curia, so the issue of Coldingham could perhaps be viewed as offering some form of consolation in this contest for constitutional control.<sup>72</sup> Moreover, the parliamentary debate that preceded Drax's formal reinstatement would have allowed the new earl of March to assert his influence in the absence of his rival, the earl of Douglas, who was then in France.<sup>73</sup> In this respect, it is perhaps no coincidence that, just before the death of George I, earl

of March, the Dunbars appear to have re-established their influence over the Coldingham temporalities, at the same time that Drax, still technically in exile, is seen acting in his capacity as prior of Coldingham in a transaction regarding the priory's lands in Roxburghshire.<sup>74</sup>

Perhaps Bower's criticism of the 'great favours' heaped upon Drax after his expulsion from Scotland, relate to this coincidence and the attempts by the Dunbar family to ingratiate themselves with Durham, in advance of the eventual reinstatement of the English prior.<sup>75</sup> The return of Drax to Scottish soil was not universally welcomed, and Bower's comparison of the prodigal prior to a 'serpent in the bosom of the kingdom' was to prove prophetic.<sup>76</sup> Less than one year after his reinstatement at Coldingham, Drax refused to implement a precept of sasine issuing from the royal chancery, stating that compliance required permission from Durham.<sup>77</sup> This apparent disdain for royal authority was to culminate in his complicity in the capture of a Scottish citizen, William Alanson, who was then executed by the English authorities in 1433.<sup>78</sup> After Alanson's death, Drax appears to have responded to the king's displeasure by maintaining a discreet exile.<sup>79</sup>

However, Bower's assertion that 'no plague is more effective in causing harm than an enemy in the home', was applied to all English clerics in Scotland and not just the infamous Drax.<sup>80</sup> The legislation enacted during the early years of the governorship was also used to ensure that a Scottish cleric succeeded in the parish church of Kirkungeon in Galloway, which was united to the Cistercian monastery of Holm Cultran in Carlisle.<sup>81</sup> Of course, the anomaly of two, then three, different popes created difficulties for the multi-national hierarchies of cosmopolitan orders throughout Christendom, and not just in Scotland. But again, this anomaly was given especial poignancy during the coincidence of the ongoing Anglo-



Scottish hostilities and the Great Schism, where such orders as the Knights Hospitallers at the preceptory of Torphichen in West Lothian owed their immediate allegiance to an English prior.<sup>82</sup> Yet, the presence of English interlopers in Scottish benefices was an indignity endured by the Ecclesia Scoticana throughout its history. In 1290, when the Guardians of Scotland were negotiating the Treaty of Birgham, they were careful to include articles that safeguarded the independence of the Scottish Church, with the proviso that elections of the clergy were 'to be free of external interference'.<sup>83</sup> During the reign of Robert I, the papacy was consistently biased in its support for the English policy of interference and imposition, constraining the attempts by King Robert and the Scottish polity to secure independence for their kingdom and their church. John XXII may have refused Edward II's petition for seventy-nine of his own candidates to be presented to Scottish benefices, but this concession was somewhat demeaned by the fact that Scotland's king and her clergy were already under an interdict for refusing papal mediation in the Anglo-Scottish war.<sup>84</sup> After the death of Robert I in 1329, English interference in Scottish clerical appointments continued unabated, and, according to Bower, resentment of these impositions was to manifest itself by the repeated banishments of English clergy during the guardianship of Thomas Randolph and the reign of David II.<sup>85</sup> Moreover, the invidious influence of English ambassadors at the papal court was to have dangerous ramifications for Scotland in 1344, when papal negotiators at the Conference of Avignon - held after the death of Charles IV of France - went as far as to offer the kingdom of Scotland to Edward III, in an attempt to offset his claim to the French crown.<sup>86</sup>

The advantages for Scotland in maintaining obedience to an alternate pope were obvious, and after 1378 the impact of England's interference in the affairs of the Scottish



Church was greatly reduced. The majority of English suffragens to Scottish bishoprics failed to gain either recognition within Scotland or possession of their seats during the Schism. At worst, all that was achieved was an element of confusion during the interim period between Martin V's election and Scotland's obedience to him, when those such as John Framysden, the suffragen bishop of Glasgow, proved their claims at the court of the new pope.<sup>87</sup>

Of much greater concern to the Scottish church and government at this time was the perceived threat from the spread of heretical doctrines. Heresy as a definable phenomenon had been apparent since at least the reign of Robert I, but it was not until the advent of the Schism that the creed of heterodoxy gained greater currency, alarming those such as Walter Bower who likened the latest group of heretics to 'a brood of vipers'.<sup>88</sup> The main proponent of heretical ideas in Scotland during the early years of the Schism was not in fact Scottish, but an Englishman, the Oxford-educated theologian, John Wyclif, who was strongly critical of the papacy and the worldliness of the church.<sup>89</sup> While denying that the pope was the vicar of Christ, Wyclif advocated that the pontiff and his clergy renounce all temporal concerns for the active pursuit of asceticism and evangelical poverty.<sup>90</sup> His views on the unnecessary burden of papal taxes on the secular state may have been seductively palatable to the English king, but less so Wyclif's potentially destabilising belief that the supreme authority of the Bible should be made more readily available to the common people, by the translation of the Scriptures into the vernacular and the establishment of an order of Poor Preachers to spread the Word.<sup>91</sup> Wyclif's increasingly radical views on doctrinal matters such as transubstantiation and absolution led to his exile from Oxford and his eventual condemnation by a Church Council

in 1382.<sup>92</sup> The propagation of Wyclif's proto-Protestant beliefs became the raison d'être of the heretical sect, the Lollards, who disseminated this new radicalism after the theologian's death in 1384.<sup>93</sup>

Historians are divided as to whether Lollardy took hold in Scotland after the return of Scottish students from Wyclif's alma mater, Oxford, or whether by the influx of English Lollards who sought sanctuary in Scotland after the enactment of the English statute de Heretico Comburendo in 1401.<sup>94</sup> It is certainly true that, by 1403, the monks of Kelso were sufficiently alarmed by the impending threat from English Lollardy, to include in their Liber a citation by the bishop of Durham against two priests suspected of Wycliffian tendencies, suggesting that the eastern border between Scotland and England provided a sort of heretical Silk Road for the export of English heterodoxy.<sup>95</sup> The concern by the monks of Kelso was to be echoed by the church authorities in Scotland only a few years later, when Laurence of Lindores, the respected theologian, was appointed Scotland's first inquisitor of heretical depravity.<sup>96</sup> Interestingly, the first heretic to fall foul of the new inquisitor was James Resby, an English Wycliffian.<sup>97</sup> According to James Haldenstone, later prior of St Andrews, Resby was the first who 'sowed heresies and errors in this Catholic Realm', and Bower gives over a whole chapter to the invidious nature of Resby's beliefs, which were disseminated amongst the 'simple people' with some success.<sup>98</sup> The chronicler also lists some forty opinions put forward by Resby, which were countered point by point by Lindores, before the English monk and his tracts were burned at the stake by the ordinance of a Provincial Council held at Perth in July 1408.<sup>99</sup>

With regard to Resby's presence in Scotland, one historian poses the interesting question as to why the Englishman



crossed the border in the first instance.<sup>100</sup> Did Resby come to Scotland as a fugitive from the English statute de Heretico Comburendo, or was the Scottish kingdom, in the absence of her king and increasingly isolated by her persistent obedience to Benedict XIII, merely vulnerable to the ministrations of an opportunist preacher? Perhaps the answer may be found in the appearance of Scotland's first home-grown heretic, Quintin Folkherd, a 'self-appointed reformer' who came to prominence at least one year before Resby succumbed to the flames.<sup>101</sup> Folkherd's choice of name betrays his mission, for, apart from the obvious connotation of Folkherd, the name Quintin is derived from the Roman tribe, Quintian, whose simple way of life set them apart from their more indulgent compatriots. Folkherd first appears on record while in England in August 1407, when he was granted a safe-conduct to come to London on 'diverse business' and, thereafter, was apparently sufficiently well-known to have been allowed an audience with Henry IV in Nottingham.<sup>102</sup> One month later, Folkherd was granted a further safe-conduct to travel to Scotland and back with animals to sell for his expenses.<sup>103</sup> The fact that Folkherd's entourage included three servants, gives credence to the preacher's own assertion that he was a minor member of the landowning classes.<sup>104</sup> It has been suggested that King Henry made use of Folkherd as a means to import heresy into Scotland and, thereby, destabilise his northern neighbour.<sup>105</sup> However, it is more probable that Folkherd obtained his audience from the English king by presenting inflated credentials, as the meeting does not seem to have been followed up. Furthermore, it is worth noting that, though Lindores is lauded by Bower as a conscientious inquisitor who 'never gave rest to heretics or Lollards', the preacher appears to have escaped the notice of the Scottish church courts.<sup>106</sup>

The reason for the inquisitor's indifference may be



ascertained by examining Folkherd's 'News from Scotland', four letters he sent to Prague in 1410, and addressed to all of Christendom, the bishop of Glasgow and the Scottish clergy, the secular lords, and the rest of the laity, respectively.<sup>107</sup> Folkherd used his letters to launch a most scathing critique on the miserable state of the Scottish Church and the luxuriant living and worldliness of the clergy, whom he described as 'greedy wolves in sheep's clothing'.<sup>108</sup> He reserved particular venom for the bishop of Glasgow, suggesting that Folkherd was a resident of Lawder's diocese, and for his own curate, both of whom are castigated for their sinful errors which, Folkherd warned, would be visited upon them in a later life.<sup>109</sup> Neither did the secular authorities escape his wrath, being accused of encouraging simony and of interference in the church, although Folkherd did envisage the temporal lords as a useful phalanx to aid him in cleansing the priesthood of its errors.<sup>110</sup>

However, as one historian has pointed out, although Folkherd may have echoed some of Wyclif's opinions, there is nothing within his 'views' that questions the basic doctrines of the medieval church, which may explain the lack of action taken against him.<sup>111</sup> Indeed, in letter II, Folkherd effectively throws down the gauntlet to both the clergy and the secular authorities, taunting them to take action against them if they can.<sup>112</sup> But, perhaps one other reason why Folkherd did not immediately succumb to the same fate as Resby, may derive from the veracity of his damning critique of the Scottish Church and its clergy. Indeed, many senior clerics within the church echoed Folkherd's complaints and identified similar failings. In a letter written to the university of St Andrews in 1441, James Ogilvy accused the Scottish clergy of diffidence, blind ambition and avarice, and highlighted these errors as 'all good gifts to the enemy'.<sup>113</sup> Likewise, Haldenstone, the prior of St Andrews, who was most zealous in his anti-

heretical views, repeatedly wrote of the evils and excesses of the clerical estate and of the pressing need for reform.<sup>114</sup> There were also critics from within the senior ranks of the regular clergy, with the abbot of Scone, Adam Crannoch, describing the deplorable state of the monastic orders as being refrigescente caritate.<sup>115</sup> The clerical man-of-the-world, ill-educated and indifferent to the needs of his flock, was probably not unknown to the bishop of St Andrews, Henry Wardlaw, who was purportedly the author of two works on the failings of the clergy.<sup>116</sup> Certainly William Nory, the canon of St Andrews who aspired to the priory of May, could have been cast as the archetypal warrior priest deplored by Folkherd, when he made an armed assault on the manor of Pittenweem in c.1412.<sup>117</sup>

Another shortcoming identified by Folkherd was that of simony. In 1434, at a sermon given before the Council of Basle, William Croysier, archdeacon of Teviotdale, berated the clergy for their simony and dependence on secular support.<sup>118</sup> The practice of simony was no doubt exacerbated by the European-wide recession which, since the late fourteenth century had severely constrained the revenues of the Church and forced its clergy to seek more and more appointments, in an attempt to supplement their deflated incomes.<sup>119</sup> In this respect, although simony was contrary to canon law, it was probably endemic within the medieval church. Indeed, the prevalence of simony was such that it appears only to have become a matter of concern within the lesser ranks of the clergy when rival claims to a particular benefice could not be resolved amicably. This was true of Angus Lennox, a natural son of the earl of Lennox, who accused the lay patron of the parish church of Luss of being motivated by simony in presenting his rival, John MacAlpine.<sup>120</sup> Moreover, the practice of financial compensation for unsuccessful claimants was to become so much the norm, that one petitioner even admitted to this



impropriety in a supplication to the pope.<sup>121</sup> According to James Haldenstone, not known for his amicable relations with either Duke Robert or his son, Murdach, both the governors perpetuated the practice of simony and cites at least one example where their support led to the intrusion of an inappropriate candidate into monastic orders.<sup>122</sup> Despite the obvious bias of Haldenstone, it is apparent that many of the clerics associated with the first governor, such as John Feldew, Finlay Colini and John Busby, owed their advance within the ranks of the church to the patronage of the duke.<sup>123</sup>

Other aspects of secular interference were also contrary to canon law but just as prevalent. The duke of Albany's intervention during the vacancy of the see of St Andrews after the death of Walter Trail in 1401 may have been unduly blatant, but this level of influence over the appointment of senior prelates by the crown or its lieutenants had been tolerated by the papacy for centuries.<sup>124</sup> Of the eight bishops provided by Benedict XIII during the governorship of the first duke of Albany, the majority may have been loyal to the governor or his brother Robert III, but it has to be noted that they did not in any way challenge the conscience of the papacy by their unsuitability for office. An example of this understanding between the governor and Pope Benedict is exemplified by the provision of Walter Forrester to the bishopric of Brechin in 1407.<sup>125</sup> Forrester had been closely associated with royal government since the reign of Robert II and, given his earlier antipathy towards the Avignon obedience, may not have been entirely palatable to Benedict.<sup>126</sup> Nevertheless, as a well-educated and conscientious cleric, Forrester was not an inappropriate candidate and, in any case, appears to have remained loyal to Avignon until the formal withdrawal of Scotland's obedience.



William Lawder, who was provided to the bishopric of Glasgow in the following year, is generally assumed to have been antagonistic towards the governor, given that he and his family were to become closely involved in the negotiations that led to the eventual release of King James.<sup>127</sup> Yet, there is evidence to suggest that Lawder's provision to the Glasgow see was favoured by the governor, while his brother Alexander, archdeacon of Dunkeld, acted as Duke Robert's counsellor from at least 1416.<sup>128</sup> Moreover, although Lawder is said to have played a part in influencing the governor's final decision to withdraw from Pope Benedict, both he and his brother remained within the Avignon obedience until after Scotland's formal pledge of adherence to Martin V.<sup>129</sup> The other provisions to the bishoprics of Caithness, Moray and Orkney, were similarly non-controversial and did not cause any great strain on the relationship between the governor and the papacy. As for the see of Galloway, however, the provision of Thomas Butill, a dedicated curialist, in contempt of the preferred local candidate who was also in the service of the earl of Douglas, may account for the latter's early antipathy towards Pope Benedict and his active support for the Constance pope, Martin V.<sup>130</sup>

Although many such as Ogilvy, Croysier, and Folkherd himself, were aware of the need for reform, it is questionable whether the church felt sufficiently threatened by the more conspicuous presumptions of the secular authorities, especially as the activities of the governor, in supporting the church's assault on Lollardy and by ensuring that the regular clergy maintained an adequate level of spiritual supervision during the Schism, did not always detract from the dignity of the Scottish Church.<sup>131</sup> In addition, even if the senior clerics were sufficiently outraged by the pervasive iniquity of simony and all its ramifications, it is unlikely that they possessed the political will to counter this threat to

their liberty at a time when the interdependence between the first and second estate was at its height. This is particularly true of the period after 1408, when France declared her neutrality in the Schism, leaving Scotland increasingly marginalised in her continued adherence to Benedict.<sup>132</sup>

However, if Folkherd's penetrating criticisms of the Scottish Church may have echoed those voiced by many of its senior clergy, his views on the appropriate way forward did not. Thus, while the preacher appears to have eschewed some of the more radically fundamental reforms proposed by Wyclif, Folkherd's 'News' exhibited enough of the hallmarks of Lollardy to render his contribution as objectionable as it was heretical. The question then arises, however, as to what extent this new heresy truly jeopardised the spiritual fabric of the Scottish Church. There is evidence to suggest that the activities of Folkherd awakened prominent Lollards in England and elsewhere to the opportunities in Scotland. In fact, it is possible that Folkherd's 'News' was delivered to Prague by the same messenger who carried letters from the Lollard knight, Sir John Oldcastle, and the English chaplain, Richard Wyche, to John Hus and Wok of Waldstein.<sup>133</sup> Thus, during the early years of Constance, Scotland was identified by both Dietrich von Niehms and Jean d'Achery as a haven for heretics, in the same league as England and Bohemia.<sup>134</sup> In 1415, Benedict XIII, was sufficiently alarmed by this accusation to commission the bishop of Moray to investigate the extent of 'certain heretical doctrines' in Scotland, while, in the same year, Constance responded to the threat posed by Lollardy by ordering the execution of John Hus and the exhumation and burning of the body of Wyclif, in an attempt to eradicate all trace of the Lollard martyr.<sup>135</sup>

It may well be that this escalation in Folkherd's

activities altered the previously ambivalent attitude of the Scottish Church, for it is possible that the preacher was the unnamed heretic who was put to the flames in the diocese of Glasgow in 1422.<sup>136</sup> Certainly, the Bohemian connection forged by Folkherd was to continue in the form of Paul Cawar, a member of the moderate Bohemian sect, the Praguites, whose activities in Scotland culminated in his execution in St Andrews in 1433.<sup>137</sup> Thereafter, pockets of heresy persisted right up to the Reformation, particularly in the west of Scotland, prompting concern to be expressed by both chroniclers and senior clerics.<sup>138</sup> However, in England, whose Lollards probably posed the greatest threat to Scotland's spiritual tranquility, the menace of heresy had subsided to the point where, in 1420, the bishop of Durham felt able to give public thanks to God for the 'abatement of heresies and Lollardies'.<sup>139</sup> Within Scotland itself, there is only evidence for individuals coming to the attention of the authorities during the Schism. In 1413, the earl of Mar complained to Pope Benedict of the activities of David Seton, a canon and archdeacon of Ross, accusing him of a being a schismatic, but the earl's description of Seton's behaviour could be indicative of a latent tendency towards Lollardy.<sup>140</sup> It may have been just before Scotland ended her isolation and adhered to Martin V, that John Schaw, a suspected heretic, came to the fore, but no further information survives to enlighten the modern historian as to either the fate of this man or the depth of his dissension.<sup>141</sup>

Perhaps, as one historian has suggested, the reason for the elusiveness of the Scottish Lollards lies in the lack of diocesan records in Scotland.<sup>142</sup> However, this does not explain the paradox presented by Bower's Scotichronicon, where three chapters are devoted to the iniquity of heresy, but only two heretics who operated in Scotland during the first half of the fifteenth century are named,



and both of these were non-Scots.<sup>143</sup> Moreover, where examples of Scottish Lollards do occur, other historians have postulated that these isolated instances were as much a product of the intellectual friction between the Nominalism of the orthodox clerics like Lindores, and the Realism propounded by the Lollards, as it was of the real fear of heresy itself.<sup>144</sup> There is also the possibility that senior figures within the Scottish Church were acutely aware of their isolation and, thus, ultra-sensitive towards the existence of any hint of heresy. This is indicated by the complaints made against Prior Haldenstone, when he was anonymously denounced for his over-zealousness when pursuing heretics.<sup>145</sup> Indeed, within the confines of the new university, the prior's autocratic style had earlier brought him into conflict with the rector, Laurence Lindores, and had necessitated the intervention of Bishop Wardlaw.<sup>146</sup> When Haldenstone eventually succeeded Lindores as inquisitor in the 1440s, he was described by Bower as one who 'bitterly refuted' all heretics.<sup>147</sup>

In addition, it is worth noting that, at the time when Scotland was being denounced as a refuge for heretics, great pressure was being brought to bear upon those realms outwith the Roman obedience to conform to the Council of Constance. It is probably no coincidence, therefore, that Henry V's reminder to Aragon that a peaceful alliance with England was a necessary prerequisite to ending the Schism, came at a time when efforts were being made to ensure the affiliation of the Aragonese to Constance.<sup>148</sup> Scotland also had to endure the exhortations of Sigismund, as well as those from the Roman pope and the University of Paris, and it is not inconceivable that the attempts to associate Scotland with the taint of heresy, was more of a political manoeuvre to contrive Scottish conformity with Constance, than it was a true representation of her internal strife.<sup>149</sup> Scottish clerics were undoubtedly aware of the

moral and political dilemmas posed by the Schism, and it is probable that Haldenstone, in his zeal to prosecute heretics, was motivated as much by his unease with Scotland's isolation, as by his distaste for heterodoxy. Thus, though heresy did prevail in Scotland during the governorship, and thereafter, it probably did not rise to the hysterical heights as implied by either Bower or the punctilious prior of St Andrews.

A more intriguing aspect concerning the question of Lollardy in Scotland and England, arose when the new heresy impinged upon the political rivalry between the two countries. As noted earlier, at least one historian has suggested that Henry IV of England used the preacher, Quintin Folkherd, to import dissent into the Scottish kingdom. If this is so, it could be seen as an attempt by the English king to counter the threat deriving from the presence of the supposed king, Richard II, at the Scottish court. The forced abdication of King Richard in 1399 had provoked much interest, if not sympathy, in Scotland, as witnessed by the space given to the event by contemporary chroniclers.<sup>150</sup> The controversy surrounding Richard's imprisonment and subsequent death, early in 1400, gave rein to the growth in rumours concerning the possibility of his escape from Pontefract to the Outer Isles of Scotland.<sup>151</sup> It was, supposedly, at the court of the Lord of the Isles that the pseudo-king, or Mammet as the English called him, was recognised as King Richard and sent to Robert III.<sup>152</sup> Despite the scepticism of the Scottish chroniclers, Wyntoun more so than Bower, the news that King Richard was alive and well in Scotland was seized upon by various parties in England and Wales, disaffected with the Henry IV's usurpation, and used as a figurehead for their intrigues.<sup>153</sup> Notwithstanding the English government's assertion that the Mammet was, in fact, Thomas Warde of Trumpington, a complete nonentity associated with former servants of King Richard, the



romantic fiction that grew up around the pseudo-king was encouraged by Robert III and the governor, both of whom maintained the imposter in a style befitting his royal disguise.<sup>154</sup>

The potential to further destabilise the new Lancastrian reign, already reeling from a series of uprisings effected by those sympathetic towards the fate of the 'real' King Richard, was obvious and, therefore, fully exploited by the Scots.<sup>155</sup> Indeed, such was the potency of the Mammet's kudos, that the rumours of his existence had even penetrated Henry IV's own household.<sup>156</sup> That the Scottish government was a willing accomplice in this dissimulation is evidenced by the trial of John Whitlock, a suspected Lollard and former servant to Richard II, who was accused of conspiring with the Scottish governor and his envoys since 1406, and of encouraging the rumour that King Richard was in Scotland and intending to cross the border.<sup>157</sup> The threat from the Mammet was viewed with such seriousness in England that, in 1407, the Archbishop of Canterbury was moved to write to Henry IV and advise him to insist that the Scots return 'that fool calling himself King Richard'.<sup>158</sup> However, three years later, another known Lollard, Benedict Wolman, was accused of conspiring with others to contrive the murder of King Henry's sons, and of using the name of King Richard to harness sympathy for the Lollard cause.<sup>159</sup> Although the evidence for Scottish complicity in this particular plot is rather flimsy and mainly derives from the fact that Wolman is known to have sent 'agents and letters' to Scotland and elsewhere, the author of the Eulogium was in no doubt that the Scots encouraged the exploitation of the Mammet, when he stated that semper Scoti illum rumorem auxerunt.<sup>160</sup> Even after the death of Henry IV and the succession of his son, Henry V, the threat from the Mammet was to continue, and the new king was forced to disinter the body of King Richard from his resting place at Langley, and afford him a second and



more ostentatious funeral at Westminster in 1413.<sup>161</sup> King Henry's efforts were to no avail as, less than three years later, a certain Thomas Lucas, an inveterate Lollard of long-standing, was to be found writing to Sigismund, King of the Romans, then in England to negotiate the Treaty of Canterbury, to request his aid in deposing Henry V as a prelude to the reinstatement of King Richard.<sup>162</sup>

As in Scotland, Lollardy in England had its greatest following amongst the lower orders in society, and this is reflected in the descriptions of those pardoned by the English king in 1414.<sup>163</sup> However, unlike Scotland, Lollardy also drew a degree of support from the knightly classes, and included such prominent disciples as Sir John Oldcastle, Sir Thomas Talbot, and members of the Cheyne family.<sup>164</sup> A Herefordshire knight of some standing, Oldcastle was also a trusted adjutant of the Lancastrian kings and had played a part in the defence of the Anglo-Scottish border early in Henry IV's reign.<sup>165</sup> A well-educated and deeply religious man, Oldcastle came to be regarded as the leader of the English Lollards by 1410, but appears to have enjoyed a degree of immunity by dint of his friendship with the then Prince of Wales.<sup>166</sup> However, his increasingly visible role as a Lollard champion could not go unpunished and, in the late summer of 1413, Oldcastle was arrested and committed to the Tower of London.<sup>167</sup> Oldcastle was sentenced to death but, due to his past association with King Henry, was allowed forty days respite in order to repent, during which time the obdurate knight effected his escape.<sup>168</sup> While a free man, Oldcastle spent the final weeks of 1413 preparing for a Lollard rebellion against Henry V. However, due to advance intelligence of the plot, the ensuing battle of St Giles' Field in January 1414 was lost before it had begun, and many of the conspirators were either killed or captured.<sup>169</sup> Oldcastle again eluded the authorities, but those such as John Wykham, an Oxford esquire, were briefly incarcerated

in the Tower before returning to the battlefield to be hanged, drawn and quartered.<sup>170</sup> Other lesser figures were later to be included in an official pardon issued in March 1414, but the main conspirators, including Oldcastle himself, were excluded from this show of merciful magnanimity.<sup>171</sup>

Up until this time, the number of Lollards who had enjoyed the company of King James and Murdach in the Tower, both before and after the Oldcastle rising, included the eponymous knight and possibly his chief secretary, Thomas Payne, and may have inspired the royal cousins to explore other options for their liberation, particularly as recent negotiations had proved disappointingly inconclusive.<sup>172</sup> Following the Scottish governor's demand for the liberation of James and Murdach in May 1414, negotiations to this end were continued throughout the year, but achieved little.<sup>173</sup> However, by 1415, King Henry was contemplating a campaign in France and his wish to secure his kingdom's border with Scotland before his departure, led the English king to entertain the possibility of the liberation of Murdach in return for that of Henry Percy, the heir to the earldom of Northumberland.<sup>174</sup> Accordingly, during the first half of that same year, commissioners were named on both sides to conclude the swap of Murdach for Percy, which was to take place at Calfhill, near Berwick.<sup>175</sup>

There must have been some concern at this time that the negotiations could be disrupted by those Lollards still at large, as, even before Murdach was handed over to the two men entrusted with his safe passage north, Sir John Pelham was charged with the rather cryptic commission to receive King James from the Tower, and ensure his close custody 'in certain places'.<sup>176</sup> The English government's heightened anxiety had been fuelled by incidents of bill posting in London, by which the Lollards had proclaimed that Richard

II was still alive and ensconced at the Scottish court.<sup>177</sup> Moreover, the arrest of Hus at Constance in November 1414, no doubt increased the potential for an outpouring of Lollard disaffection throughout western Christendom as a whole.<sup>178</sup> The authorities' fears were to be fully realised when Murdach Stewart was seized from his escort by suspected Lollards, while on his way to Berwick in the summer of 1415.<sup>179</sup> The order for the official inquest into the incident makes no mention of the possibility of Lollard involvement.<sup>180</sup> However, at least two contemporary English chroniclers suggest that Murdach's 'felonious capture' was part of a grander plan hatched by the earl of Cambridge and leading Lollards, to exchange Murdach for Percy, but, thereafter, to follow their own agenda and involve the Northumberland heir with the Mortimers and Welsh, in a tripartite alliance against Henry V.<sup>181</sup> Otterbourne, the English chronicler, states that Murdach was abducted by an esquire named Henry Talbot, but it is not known whether he had any connection, familial or otherwise, with the Lollard knight, Sir Thomas Talbot; the latter having defied capture since the Oldcastle rising and who was reported to have been associated with the Cambridge plot.<sup>182</sup>

As for Oldcastle himself, he had been at large since January 1414, and the innocuousness of his activities is surmised from the decision to grant him a pardon in December 1414.<sup>183</sup> This was voided the following March, when Oldcastle failed to avail himself of the king's mercy.<sup>184</sup> Thereafter, little is known of his whereabouts until August 1415, when he appears to have used the confusion surrounding the Cambridge plot as cover to pursue Lord Abergavenny in his castle at Hanley, over one hundred miles away.<sup>185</sup> It is probable, therefore, that the seizure of Murdach was an opportunistic action perpetuated by a leaderless rump of Lollards, who may or may not have been given a degree of support by the Cambridge conspirators.



The question remains, however, as to whether the decision to abduct Murdach was taken unilaterally, or with Scottish backing. The fact the the governor's son was back in the hands of the authorities only one week later, suggests not only a lack of long-term planning, but also the absence of any practical support from north of the Border.<sup>186</sup> Moreover, although one element of the Cambridge plot did envisage the involvement of the Mammet, it is unlikely that the Governor would have sanctioned direct complicity in any action that would so jeopardise the safe return of his son.<sup>187</sup>

Despite the eventual release of Murdach Stewart in February 1416, the continuing decline in Anglo-Scottish relations during the next twelve months was to presage the most audacious assault on English-held garrisons since the battle of Homildon Hill in 1402.<sup>188</sup> French involvement in what became known as the 'Foul Raid' is well-documented, but, according to at least three English chroniclers, the French were not the only party to contemplate collaboration with the Scots.<sup>189</sup> Walsingham, Otterbourne, and Elmham, all report the forging of a mutual pact between the English Lollards and the Scots, the latter being enticed into this unsavoury alliance by their 'hunger for gold'.<sup>190</sup> Since the failure of the Cambridge plot in 1415, the English Lollards had maintained an underground organisation dedicated to sustaining pressure on the English authorities. In August 1416, the Lollards were responsible for another outbreak of bill-posting in London, by which they denounced the iniquity of clerical temporalities and proclaimed that Richard II was still alive.<sup>191</sup> In December 1416, an accomplice of Oldcastle was reported to have made an attempt on King Henry's life while he was celebrating Christmas at Kenilworth, and, three months later, the English government was alerted to reports of treasonable activities in the north.<sup>192</sup>

It was around this time that Sir John Oldcastle, is supposed to have met Sir William Douglas of Drumlanrig at Pontefract, where they are said to have agreed a co-ordinated strategy to maximise the disruption to the Lancastrian government while King Henry was campaigning in France.<sup>193</sup> Thus, while Oldcastle and his colleagues were staging their own uprising within England, the Scots were to mount a simultaneous assault on the castles of Roxburgh and Berwick. However, the report of this meeting does not correspond with the evidence for Oldcastle's itinerary during this period. Between December 1416 and the time of his arrest near Welshpool in November of the following year, Oldcastle is not known to have ventured further north than Northamptonshire, and, indeed, appears to have spent much of his time on or near the Welsh border conspiring with the rebels there, including Owen Glendower's son, Gruffyd ap Owen.<sup>194</sup> As for Sir William, his four-month safe conduct to England, granted in December 1416, is often cited as proof that some form of contact between the Scots and the English Lollards did, in fact, take place.<sup>195</sup> However, Sir William was only authorised to travel south as part of a very senior delegation invited to discuss the conditional liberation of King James, and it is known that key members of this embassy did not leave Scotland either then, or three months later, when the safe conducts were repeated.<sup>196</sup>

Returning to the details supplied by the English chroniclers, this joint venture between the Scots and the Lollards, again envisaged the involvement of the Mammet. According to Walsingham, Oldcastle's belief in the Mammet was manifest at his trial in December 1417, when the Lollard knight declared his loyalty to his 'liege lord, King Richard'.<sup>197</sup> Though Oldcastle's defiant gesture is not noted in the official record, it was not long after Sir John's execution that a suspected Lollard was charged with harbouring a messenger from the Mammet in Scotland.<sup>198</sup>



Other arrests followed, including that of Sir John Mortimer, who was specifically accused of conspiring with the Lollards to produce the pseudo-King from the Scots.<sup>199</sup> Moreover, although the Scottish nobility does not appear to have succumbed to the revelations of the new heresy in the same way as their English counterparts, this does not necessarily mean that the governor and his Council eschewed the potential political gains that contact with the English Lollards would bring.<sup>200</sup>

However, neither in the case of the man accused of associating with the Mammet's envoy, nor at the trial of Sir Thomas Talbot, who was charged with conspiring with Sir John Oldcastle in May 1417, were the authorities able to produce any evidence to substantiate the welter of rumours and secure convictions.<sup>201</sup> No doubt the stories of a Scottish alliance with the English Lollards were fanned by the burgeoning spy network of the period, which provided all sides with information of varying credibility, if not provenance, and produced this climate of conspiracy.<sup>202</sup> A further element of confusion was introduced by reports that the governor was in contact with the duke of Orleans, then held captive at Pontefract Castle, and plotting to use the Mammet in a campaign directed against the English government.<sup>203</sup> In the midst of all these plots and counter-plots, it is not surprising that even Walsingham, who was not known for his partiality towards the Scots, was careful to preface his account of their collusion with the Lollards, with the disclaimer ut asseruit.<sup>204</sup> Of course, in terms of government propaganda, it is likely that the English found the reputed association of the Lollards with the Scots as helpful as the imagery of the Mammet was to their northern neighbours.<sup>205</sup> Yet there is no evidence of any substance to suggest that there was any formal collusion with the Lollards, or that the Scottish government played any part in the Lollard rebellion, other than choosing not to



discourage the evocation of the pseudo-king.

It is likely that this policy of the Scots continued, for, even after the execution of their leader, the English Lollards were to make one final attempt to capitalise on the existence of the Mammet. Less than six months after the events of summer 1417, Henry V wrote to the duke of Exeter, warning him that the Scottish governor and the duke of Orleans had been in communication and to expect a resumption of hostilities.<sup>206</sup> The earls of Northumberland and Westmorland were to be consulted regarding the close custody of Orleans and the other French prisoners, as well as the king of Scots, in an attempt to counter any plans for their liberation. King Henry's fears were soon to be realised when Thomas Payne, the former chief councillor to Sir John Oldcastle, was arrested outside Windsor Castle where King James was then being held captive.<sup>207</sup> In his possession Payne had a 'cedule' detailing an escape route for the Scottish king from London to Edinburgh, where, presumably, Payne hoped to be rewarded with reciprocal custody of the Scottish Mammet. This account of Payne's attempt to free King James is taken from a petition later made to Henry VI, in which the petitioner credits himself with the obstruction of this treasonable plot and the capture of Payne.<sup>208</sup> Having advance intelligence of Payne's intentions, the petitioner reveals that the Lollard clerk was to be aided by traitors from within the castle, but no mention is made of the possibility of outside help, either from other disaffected groups within England, or from the Scots themselves.<sup>209</sup>

Since the spring of 1417, when the Scottish polity failed to respond to King Henry's conditional offer for the liberation of King James, the latter had been held in custody in the south of England, venturing no further north than Henry's own private residence at Kenilworth.<sup>210</sup> No further attempts were made by either the governor or

his council to resurrect King James' hope that his freedom would be forthcoming during the final years of his uncle's governorship. Thus, it may be that it was at this juncture that the Scottish king was moved to contemplate other options to secure his own liberation.<sup>211</sup> Both before and after the Oldcastle rebellion of January 1414, King James had shared his captivity with many of the English Lollards, and it is quite possible that he was personally acquainted with the said Thomas Payne; if the latter can be identified as the Thomas Clerk who was sent to the Tower in 1413.<sup>212</sup> However, even if James was so motivated as to collaborate with the English Lollards to effect his own escape, it is almost certainly the case that his fellow countrymen were too preoccupied with events closer to home to offer any measure of practical support to such an audacious plan.

Despite the ignominious failure of the 'Foul Raid', the Scots had not been swayed from their principal task of maintaining a barrage of assault and harassment directed against English positions along the Anglo-Scottish frontier.<sup>213</sup> This policy was effected by both land and sea, and the English government was to respond in kind by authorising Sir Robert Umfraville's two-year reign of terror along Scotland's eastern March.<sup>214</sup> The Scottish military strategy was underpinned by the General-Council's decision to maintain diplomatic relations with both the duke of Burgundy and his rival for control of the French government, the Dauphin Charles.<sup>215</sup> It is, thus, quite conceivable that Henry V's French prisoners, conveniently located in the north of England, were included in these diplomatic manoeuvres, with the expectation that their own release from English captivity could be realised.<sup>216</sup> In any event, the arrest of Payne and the subsequent decline in the more imaginative activities of the English Lollards were to mark the end of the usefulness of the Mammet, a fact finally sealed by the latter's own demise in December

1419.<sup>217</sup> Whether it was to perpetuate the myth, or merely to recognise the diplomatic services rendered by this pseudo-King, the lowly Thomas Warde was accorded full royal honours when he was laid to rest at Stirling with the inscription Anglie Ricardus Rex as his epitaph.<sup>218</sup>

The response to the issue of heresy and other problems within the Scottish Church, many of which having been identified by the heretics themselves, was necessarily influenced by the political complexities which were inherent during the period of the Great Schism. As noted earlier, there was little in the way of spiritual impetus to the Schism of 1378, despite the attempts by theologians on both sides to construct a moral justification for their respective obediences, and to claim their own pope as the true vicar of Christ.<sup>219</sup> However, there were those within the ranks of the Church who felt that the burgeoning bureaucracy of the papal administration had lent itself to the growth in political and spiritual corruption and, thus, brought the Church to this schismatic *impasse*.<sup>220</sup> In this way, reform was seen as a necessary prerequisite to a successful conclusion of the Schism. The logic of these arguments notwithstanding, during the early years of the Schism the majority held that the most practical solution to the Schism was to contrive the election of a pope who was universally accepted.<sup>221</sup> Thus, of the eight solutions put forward in 1381 by the respected French theologian, Pierre D'Ailly, it was the via cessionis, the resignation of one or both of the rival popes, which was to offer the greatest appeal.<sup>222</sup>

This was to be the solution pursued by the university of Paris and eventually adopted by the French crown in 1398, when Charles VI announced that France was withdrawing from Benedict's obedience.<sup>223</sup> Although the internal politics of France conspired to secure her return to the Avignon fold in 1403, the way of cession was to remain the preferred



option in France, and, indeed, when Gregory XII was elected as fourth in line to the Roman succession in 1406, it was on the understanding that he would resign if his rival, Benedict XIII, could be persuaded to make a similar sacrifice for the good of the Church.<sup>224</sup> Negotiations on this basis were to culminate in the Treaty of Marseilles in 1407, when the two popes agreed to meet at Savona for further discussion, but no further progress was made.<sup>225</sup> In an attempt to pre-empt any further procrastination, France made a formal declaration of her neutrality in May 1408, and the following month a group of cardinals from both obediences assembled at Pisa where they called an assembly of the church to meet there in March next year.<sup>226</sup> The via concessionis having failed, the via concilii - the way of the council - was now initiated. But this was not conciliarism in its purest sense, the council being viewed merely as the shortest route to the election of a universally-acceptable pontiff, who would then exercise his authority as before.

Since neither Benedict nor Gregory XII recognised the legitimacy of the Pisan cardinals or their assembly, they responded to the increasingly vocal calls for an end to the Schism by convoking their own councils, to be held at Perpignan and Cividale, respectively.<sup>227</sup> Western Christendom was now faced with the choice of three councils, and, in November 1408, Charles VI of France sent an envoy to the governor and the prelates of the Scottish Church, inviting them to align with France's ecclesiastical policy and send representatives to the council at Pisa.<sup>228</sup> However, following simultaneous sittings of the General-Council and Provincial Council in July 1408, the Scots had already decided to respond to Benedict's summons to Perpignan.<sup>229</sup> The Scottish presence at Pisa was thus confined to those Scots, such as Master Thomas Erskine, already inclined towards the French stance and pursuing their studies at the university of Paris.<sup>230</sup>

Although securing the largest and most impressive attendance of all the councils, Pisa contributed little to the reform debate before its closing session in August 1409. The sole achievement of the Pisan council was to be the deposition of both Benedict and Gregory, which was immediately followed by the election of a Franciscan cardinal, Peter Philargi, as Alexander V.<sup>231</sup>

As for Benedict's rival council, which opened in November 1408, the Scottish Church and government commissioned Simon de Mandeville, a nephew of the bishop of Glasgow, to attend Perpignan pro rege et regno Scocie.<sup>232</sup> As archdeacon of Glasgow and already a doctor of both laws, Mandeville was an obvious choice to represent Scottish interests at Perpignan.<sup>233</sup> However, with his curialist credentials - Mandeville was a papal chaplain and auditor of appeals - the Scottish envoy was unlikely to make any radical contribution to the proceedings.<sup>234</sup> He may well have been joined by his kinsman and successor to the procuratorship of the Scottish Nation at Orleans University, William Glendowyn, the latter obtaining a safe-conduct to travel through England in September 1408.<sup>235</sup> Moreover, although university representation to the Perpignan council was largely limited to the Spanish universities, Scottish students at Paris and Avignon, including William Croyser, Nicholas de Atholl, and John Derling, could well have been among the clerics who attended on a non-official basis.<sup>236</sup> Other Scots who were already present at Benedict's curia during the summer and autumn of 1408, such as Richard Cornell, canon of Glasgow and the governor's envoy, would have provided further insight into the council's proceedings.<sup>237</sup> Interestingly, there is evidence that the earl of Douglas pursued an early interest in the affairs of the Church, when he supplicated Henry IV for a safe-conduct for the abbot of Kilwinning to attend the papal court in October 1408.<sup>238</sup>



Though the council at Perpignan may appear to have originated merely as a counter to the French withdrawal from the Avignon obedience, some measure of Benedict's sincerity may be manifest by his attempt to establish contact with the Pisan cardinals, though he was unable to procure the necessary safe-conducts for his envoys.<sup>239</sup> Thus, when the council opened on 15 November 1408, its 300 or so delegates were drawn mainly from the Iberian states and Scotland, with little input from elsewhere in Europe.<sup>240</sup> Whatever Benedict's intentions, nothing appears to have been achieved at his council aside from the exchange of rhetoric, with the pope declaring his readiness to lay down his life for the Church.<sup>241</sup> Nevertheless, although the majority of the delegates paid tribute to Benedict as the true pope, a significant minority did advocate his abdication.<sup>242</sup> Not surprisingly, Benedict ignored this advice and instead chose to accept the majority decision, taken at the close of proceedings in February 1409, to send envoys to Pisa and Gregory XII in order that discussions along the lines of the via cessionis might be continued.<sup>243</sup> Whether any contact with either the Pisan council or Gregory was achieved before both popes were deposed is unclear, but by then it was apparent that the respective councils had only served to further muddy the dark waters of the Schism. Scotland was now alone with the Iberian kingdoms and a scattering of principalities in an isolated rump obedient to Pope Benedict.<sup>244</sup> The Count Palatine of the Rhine and a few of the Italian states maintained their obedience to Gregory XII, while the majority of European Christendom now adhered to the Pisan pope, Alexander V.<sup>245</sup> Perhaps fired by a cynical disdain for this 'unholy trinity' of popes, it was during this impasse that Scotland was to make her most visible response to the Schism, with the establishment of a university at St Andrews.

Although the new university was not to receive papal



confirmation of its foundation until August 1413, the first academic session began after Whitsun in 1410.<sup>246</sup> The obvious rationale behind the foundation of Scotland's first university was as a counter to the situation occasioned by the divergence in ecclesiastical policy between Scotland and France. French universities had, hitherto, attracted a large contingent of Scottish students, but, with Frances's decision to adhere to Alexander V, these same students were now deemed to be schismatics.<sup>247</sup> Moreover, after the conclusion of the Pisan council, Benedict had not only excommunicated the cardinals involved, but he had also threatened similar censures against any scholar who chose to study at a schismatic university.<sup>248</sup> The difficulties now faced by Scottish scholars were highlighted within the papal confirmation itself, which cited the 'dangers and troubles to Scots who ... travel to foreign parts'.<sup>249</sup> But it wasn't only the Schism that had the potential to disrupt the studies of Scottish students on the continent. Even before France had withdrawn from Benedict, Scots at Orleans had expressed their concern that, 'on account of the hazards of war', the Scottish Nation could well be 'reduced to one or two members'.<sup>250</sup> This problem can be seen at the English universities of Oxford and Cambridge where, even after 1378, Scots had continued to study under royal protection, with the proviso that their obedience to the Avignon papacy was maintained on a discreet level.<sup>251</sup> It was not until the closing years of the fourteenth century that the renewal of Anglo-Scottish hostilities finally stemmed the steady trickle of Scottish students across the Border.<sup>252</sup>

At the University of Paris, where the majority of Scots sought to further their education, a working relationship had evolved whereby the Scottish students maintained their own independent status, alongside their English and German colleagues within one Nation.<sup>253</sup> This tacit acceptance of

these schismatic anomalies was also given de facto recognition by the Roman pope for English and German students who frequented the French universities prior to 1409.<sup>254</sup> That is not to say that Scottish students did not experience any difficulties at Paris after the Council of Pisa, but, judging from the university rolls, this working relationship was resumed soon after the immediate impact of Alexander V's election had subsided.<sup>255</sup> In this way, Scots continued to study at Paris and elsewhere, and, by c.1414, Pope Benedict formally authorised the twenty or so Scottish students then at Paris, to continue their studies there.<sup>256</sup> Indeed, the long list of Scottish scholars who graduated from Paris after Pisa is ample evidence for the fact that the university of St Andrews was never intended to displace the universities of France.<sup>257</sup> Aside from the prestige that a Parisian degree conferred upon an ambitious cleric, it is clear that St Andrews was intended as an educational adjunct to the continental universities. This rationale was cited by the university founders themselves, who declared that their intention was to broaden the educational opportunities for local clerics, hitherto denied access to a university education by reason of the immense cost and inconvenience incurred when travelling abroad.<sup>258</sup> But it is also apparent that Scottish clerics were not expected to settle into a state of self-satisfied complacency upon gaining their degrees at the new university. Bower denounced those students with only one degree, and cited classical sources such as Plato and Socrates in his exhortation to scholars to continue their studies.<sup>259</sup> This expectation of a long-term commitment to improved educational standards is contained within the matriculation oath of the Faculty of Arts, which extracted from the newly-graduated scholar a promise to read for a further two years.<sup>260</sup>

Whether the foundation of St Andrews university did more to meet the needs of the benefice-hungry secular clerics,

than to answer the criticisms voiced by those such as Quintin Folkherd is questionable.<sup>261</sup> However, the new university also provided a much-needed educational opportunity for the regular clergy. By an ordinance of Pope Benedict XII in the early fourteenth century, monasteries were bound to provide for the university education of at least one of their number for a period of five years.<sup>262</sup> Patently, the undertaking to support a scholar abroad for such a long period of time was an expensive commitment, and it is probable that many monasteries and priories, such as Dunfermline and even St Andrews, often chose to ignore such a burdensome edict.<sup>263</sup> In this respect, the establishment of Scotland's first university had the potential to improve the educational standards of all Scotland's clergy, both secular and regular. Moreover, the educational momentum that had begun with St Andrews did not end there and was sustained by the subsequent foundations of the colleges of St John's and St Salvator's.<sup>264</sup>

As for the issue of heresy, it was perhaps no coincidence that the first rector of the new university, Laurence Lindores, was also Scotland's first inquisitor of heretical depravity.<sup>265</sup> That the university was intended to provide an army of well-educated doctors and masters to resist the onslaught of heresy, is evidenced by one of the clauses of the Faculty of Arts' graduation oath. Here the graduates were enjoined to defend the Church against the insults of the Lollards and related sects.<sup>266</sup> Lindores had already established his orthodox credentials by prosecuting Resby, and the fact that the condemnation of heretics was to devolve to the new university, rather than to the church courts, is manifest by the invisibility of senior prelates during the proceedings subsequently taken against those within their own diocese.<sup>267</sup> Nevertheless, the problem of heresy cannot be viewed as the prime motivation behind the foundation of Scotland's first



university. Aside from the lack of prominence given to the fight against heresy within the Art Faculty's oath, the prevalence of heterodoxy within Scotland was not so extensive as to distract the attention of her senior prelates and theologians inordinately.<sup>268</sup> It is probable, therefore, that the association of St Andrews with the war against heresy, was an attempt to demonstrate the spiritual sincerity and orthodoxy of the university in response to the criticisms of Scotland's unwholesome isolation.<sup>269</sup>

The foundation of a university at St Andrews has to be seen within the context of the growing number of national universities which were founded across Europe during the period of the Schism.<sup>270</sup> This trend has been ascribed to the 'growth of the national state' in the fourteenth and fifteenth centuries, with the establishment of a university giving expression to a state's national confidence.<sup>271</sup> One historian goes further and cites the foundation of the first university of Wales during the revolt of Owen Glendower, as a means of declaring independent aspirations.<sup>272</sup> Scotland would not have been immune to this trend, particularly at a time when war with England would have served to heighten national consciousness. Moreover, after Pisa, the country's relative isolation emphasised the separate status of the Ecclesia Scoticana, and gave further impetus to the movement towards the foundation of her own university.

It was not until long after the close of the Great Schism that William Elphinstone, bishop of Aberdeen, began the task of writing a new Scottish liturgy to replace the English 'Sarum Use'.<sup>273</sup> This patriotic work was underpinned by his preparation of the Martyrology of Aberdeen, which was intended to foster an awareness of Scotland's own saints.<sup>274</sup> In reality, however, this revival in the interest of Scottish saints had been awakened much earlier

in the century. Sometime prior to April 1408, Eliseus, bishop of Whithorn, petitioned Pope Benedict for funds to restore the church at Whithorn, which had become delapidated on account of its popularity as a place of pilgrimage to St. Ninian's burial site.<sup>275</sup> Most probably this was also true of Tain, where the popularity of the cult of Duthac was a prelude to James Haldenstone's petition for his canonisation to Martin V in 1418.<sup>276</sup> Likewise, St. Kentigern, Columba, and Scotland's patron saint, St. Andrew, were all enjoying a sort of renaissance in their devotional status.<sup>277</sup> These developments, taken together with the efforts of those such as the abbot of Scone, who attempted to revive the practice of commemorating the anniversaries of Scottish notables, can be viewed as part of a distinctive trend which pre-dated the work of Bishop Elphinstone by over fifty years.<sup>278</sup>

Whether this 'religious nationalism' had merely evolved in parallel with the political nationalism of the period, or whether it can be seen as a fulsome expression of ecclesiastical maturity or confidence, is a moot point. It was probably political nationalism that prompted the decline in St. Cuthbert's popularity along the Scottish Borders, and led to his displacement by a local cult.<sup>279</sup> Yet, the establishment of a national university gave Scotland a forum that allowed intellectuals within the Church to debate the issues arising from the Schism. In this respect, the Scottish ecclesiastics may well have been inspired by the prominent role taken by the University of Paris in discussions to resolve the Schism.<sup>280</sup> Another forum for debate of this kind had been in place long before the foundation of St Andrews University, and was provided by the meetings of the Provincial Councils of the Church. Aside from functioning as an appellate court, second only to the papal curia, the Provincial Councils were intended to meet on an annual basis to oversee ecclesiastical discipline and reform.<sup>281</sup>

However, such is the fragmentary record for these councils, that the modern historian is only offered brief glimpses of the business discussed during the period of the Schism.<sup>282</sup> Indeed, during Robert Stewart's governorship, although these church councils most probably did meet annually, there is only definitive evidence for meetings in 1408 and 1420.<sup>283</sup>

Much of the business discussed was concerned with such mundane matters as local disputes, but it was, of course, during a council of the clergy held in July 1408 that James Resby, the English heretic, was condemned to death.<sup>284</sup> Nevertheless, given the fact that the council was chaired by the Inquisitor, Laurence Lindores, and that the sentence against Resby was carried out by the secular authorities, the part played by the council itself would appear to have been negligible.<sup>285</sup> In addition, from the extant record and the silence of contemporary chroniclers, it could be concluded that the Provincial Councils offered little in the way of inspired leadership, either during the Schism, or more specifically during its denouement.<sup>286</sup> Nonetheless, it is difficult to believe that these councils took such a docile stance at a time when the Ecclesia Scoticana most needed spiritual guidance and motivation; notwithstanding the limitations imposed upon its appellate functions by the General-Council ordinance of 1401.<sup>287</sup>

The only other church council held during the period of the first governorship for which there is a record of its business, was held in 1420 under the conservatorship of William Stephenson, the recently-elected bishop of Dunblane.<sup>288</sup> Although the official record of this council bears witness to the mundane minutiae usually discussed at these meetings, there is evidence to suggest that this particular council took a more pro-active stance on matters of reform.<sup>289</sup> A letter which most probably dates



from June 1420, indicates that Prior Haldenstone was invited to preach the sermon customarily given at the inauguration of the Provincial Council.<sup>290</sup> In his acceptance of this honour, the prior exhorts the clergy to attend the forthcoming council, in order that the privileges of the church might be restored and protected.<sup>291</sup> It is quite probable that Haldenstone's exhortation refers to a desire to throw off the secular restraints imposed upon the Provincial Council during the period of the Schism. Nevertheless, the prior's reference to the ruinous state of the Scottish Church, implies the readiness of the senior prelates to tackle the problems of clerical dissipation and wordliness, all failings of which Haldenstone was later to complain.<sup>292</sup> Whether the impetus behind this council represented a new vigour inspired by the conclusion of the Schism, or whether it was a culmination of the efforts of the Scottish prelates to penetrate the complacency of the Church, is unclear.

Certainly, modern historians point to the lack of leadership provided by Scotland's leading prelate, William Wardlaw, the bishop of St Andrews, who rarely strayed from his own diocese and appears to have been primarily preoccupied with the new university and the rebuilding of his own cathedral.<sup>293</sup> Moreover, contemporaries, including Bower and Walter Paniter, abbot of Arbroath, were highly critical of the bishop's ostentatious lifestyle and, more particularly, of his lack of leadership qualities, describing him as a man who 'does not rule but is ruled ... by indiscreet and wicked men'.<sup>294</sup> However, perhaps the true basis of Paniter's vitriol derives from the fact that the abbot had been in dispute with Wardlaw for some time regarding financial burdens imposed upon Arbroath Abbey, and, by his own admission, he was to declare that 'love and friendship are never likely to be perfected between them'.<sup>295</sup> Bower may also have been biased against Wardlaw, for, as a native of Haddington, the chronicler most

probably disapproved of the bishop's attempts to impose his kinswoman, Joneta Wardlaw, on the monastery there, in defiance of the wishes of the Haddington nuns.<sup>296</sup>

If it is accepted that Wardlaw devoted much of his energy towards his own diocese, it is difficult to contemplate how he fulfilled Pope Benedict's commission of June 1410, to act as papal legate with full appellate authority and to 'correct wrongdoers and reform monasteries and churches'.<sup>297</sup> At the same time, Wardlaw was also mandated, along with the bishops of Glasgow and Dunblane, to institute a wholesale visitation of all major dignities and benefices normally reserved to the pope.<sup>298</sup> It is unlikely, however, that Bishop Wardlaw deliberately shirked his responsibilities in these matters and, as one historian has pointed out, he most probably delegated much of his authority to his fellow bishops and, perhaps also, to his own councillor, John Scheves, the official of St Andrews.<sup>299</sup> Nor could it be said that the bishop's preoccupation with the new university was unworthy, and, in any case, according to Dempster, he was not so distracted by university affairs that he was unable to make constructive criticism of the Scottish clergy and offer suggestions for reform.<sup>300</sup> Moreover, although his contribution to the business of the Provincial Councils remains obscured by the lack of evidence, it is known that the bishop personally attended the councils of 1408 and 1420.<sup>301</sup>

As for the role of other prelates, it is notable that Wardlaw's predecessor at St Andrews, Walter Trail, was instrumental in the enactment of various diocesan statutes intended to regulate the personal and public lives of local priests.<sup>302</sup> Thus, it is not inconceivable that other bishops issued similar exhortations within their own dioceses, although the absence of Bishops' Registers for Scotland prevents a definitive conclusion in this

regard.<sup>303</sup> Nevertheless, it is known that Mathew Glendowynning, then bishop of Glasgow, petitioned Pope Benedict in 1406 to allow him the right of visitation within his own diocese, of 'any monasteries, priories or other ecclesiastical buildings', whether exempt or not.<sup>304</sup> The activities of his successor as bishop, William Lawder, are less well documented, but, aside from his efforts to promote the cult of St. Kentigern, he is reported to have played a prominent role in persuading the governor to adhere to Martin V.<sup>305</sup>

It is, of course, a dangerous premise to make conclusions on the basis of lack of evidence, but perhaps it is not too unreasonable to accept the thesis that the Ecclesia Scoticana was 'so integrated with the body-politic' that it was unable to divorce its theological obligations from its political obligations as the First Estate.<sup>306</sup> Certainly, both Greenlaw and Lawder, as bishops of Aberdeen and Glasgow respectively, may well have been constrained by their secular duties as successive chancellors, the latter playing a not insignificant role in negotiations for the return of King James.<sup>307</sup> It is also quite probable that the majority of the senior prelates recognised the political implications arising from the Schism and the ongoing Anglo-Scottish war, and thus were relatively content to leave leadership to the governor and his council until after Scotland offered her formal obedience to the Constance pope in 1419.<sup>308</sup> The role of the governor in ecclesiastical affairs has already been elucidated, and it is clear that he took a proactive role in ensuring that the Scottish Church was not unduly neglected, either during the Schism itself or, as will be seen, immediately following its conclusion.<sup>309</sup>

That political loyalty was elevated above spiritual considerations for the duration of the Schism, invites comparison with the support offered by the bishops to



Robert Bruce during his campaign for the Scottish throne, and their obdurate loyalty even when threatened by papal interdict and excommunication.<sup>310</sup> Indeed, during the Schism, Scotland's clerics were not averse to expressions of nationalistic fervour. Aside from the opinions expressed by Thomas Rossy in the 1380s, James Haldenstone spoke in defence of Scottish independence in a sermon given before Martin V in 1419, and was moved to include a transcription of the Declaration of Arbroath within the pages of his own Copiale.<sup>311</sup> John Scheves, who, together with William Stephenson, accompanied Haldenstone on this same embassy to offer Scottish obedience, became embroiled in a nationalistic dispute with an Englishman, John Greenwood, while at Martin's curia.<sup>312</sup> Nevertheless, it could not be said that any of these senior prelates stand out from the historical record to compare with such nationalist icons of the first War of Independence as Bishops Wishart and Lamberton, yet the solidarity of the Scottish Church during the period of the first governorship was just as impressive.

In fact, the majority of Scottish clerics remained true to Pope Benedict and did not waver in their obedience to him until after his deposition at Constance and the election of Martin V.<sup>313</sup> There were a few churchmen, however, who appear to have exploited the confusion that ensued after the election of the Pisan pope, Alexander V, in June 1409. Those such as Thomas Trayle, the putative rector of Bothwell, and John Glasgow, who claimed the canonry of Moray, switched their allegiance to Pope Alexander when they became discouraged by the lack of progress in their respective suits at the Benedictine curia.<sup>314</sup> Others, such as John Crannoch and Thomas Erskine, played an active role within the English Nation at the University of Paris, and followed the French line in their obedience to Alexander V.<sup>315</sup> Indeed, it may well have been Erskine who was the same 'Master Thomas' commissioned by the university to try

and entice the Scots away from Benedict in 1410.<sup>316</sup> The success of this mission is divined from a report given to the English Nation in 1412, when it was divulged that a notable, but anonymous, Scottish prelate was persuaded to reconsider his loyalty to Pope Benedict.<sup>317</sup> Another ambassador with a similar mission, Anthony Challant, was sent by Alexander V's successor, John XXIII, to Scotland in 1413.<sup>318</sup> That Challant may have achieved a measure of success is evidenced by a complaint made by the earl of Mar in October 1413, regarding the activities of David Seton, archdeacon of Ross, not least because he 'associated himself with notorious schismatics'.<sup>319</sup> Others such as John Keremor, a priest from the diocese of Brechin, were only briefly schismatic and were persuaded to return to the Benedictine fold.<sup>320</sup>

Apart from these few individuals, there is no evidence to suggest that the majority of Scottish ecclesiastics remained anything other than steadfast in their obedience to Pope Benedict. The reason why the Ecclesia Scoticana was not unduly moved by the siren calls from rival popes, or by the numerous exhortations from the French government and the University of Paris, is not difficult to divine.<sup>321</sup> The embarrassing failure of the Pisan council and the election of the infamous condottiere, John XXIII, as successor to Alexander V, could not have inspired anything other than cynicism amongst the Scots.<sup>322</sup> Moreover, Pope John's preoccupation with Italian politics, and the way in which he successfully stifled the reforming impetus of the church council held at Rome in 1412/13, would have engendered similar suspicions.<sup>323</sup> In addition, the issue of the Schism itself was to become inextricably bound up with the political ambitions of many of the European princes, and did little to defuse the distrust amongst those still loyal to Benedict. Despite the impressive attendance at the Council of Pisa, the secular rulers who might have been expected to provide some semblance of leadership,

such as Rupert, Count Palatine of the Rhine, and his brother Sigismund, King of Hungary, either directly opposed the council or ignored it altogether.<sup>324</sup> After the death of Rupert and the election of his brother as the King of the Romans in 1411, Sigismund became converted to the via concilii so that the Schism could be resolved promptly and a united Christendom could be harnessed against the heresies of John Hus, whose followers threatened to destabilise Sigismund's Bohemian inheritance.<sup>325</sup> Moreover, Sigismund's ultimate ambition was to be crowned in Rome as Holy Roman Emperor by a universally-acceptable pope, and this underpinned his attempts to support Pope John XXIII's military campaign to regain control of the papal patrimony and oust his main political rival, Ladislav of Naples.<sup>326</sup> By the end of 1413, however, Sigismund's intrigues in Italy had become weighed down by the political rivalries between the various Italian states, and he once more turned his attention towards resolving the Schism, inducing Pope John to abandon his Italian campaign and call a general council of the Church at Constance.<sup>327</sup>

The Council of Constance began its first session on 16 November 1414, but, initially the states still loyal to Benedict had no reservations about ignoring Sigismund's exhortations to attend what was perceived as a re-run of the Pisan council.<sup>328</sup> In any case, Pope Benedict, having had advance notice of the preparations for Constance, effectively banned participation by those still within his obedience, at least until the new council had denounced the proceedings at Pisa and deposed Pope John.<sup>329</sup> Indeed, the way in which Pisa cast a shadow over Constance was recognised by the University of Paris, whose embassy, sent to Scotland in Spring 1414, was instructed to secure the adherence of the Scots, with as little reference to the mistakes of Pisa as was possible.<sup>330</sup> Perhaps mollified to some degree by this approach and, no doubt, by the way in



which the council delegates displayed their reformist credentials by arresting John Hus early in the first session, Benedict appears to have been ready to contemplate negotiations with Sigismund and the Council of Constance, his ambassadors arriving at Constance in January 1415.<sup>331</sup> Benedict's decision to establish diplomatic communications with the Council was probably taken at another assembly held at Perpignan, which was prorogued in October 1414 until the first Sunday after Easter next.<sup>332</sup> Scotland's representative at this assembly was the curialist Thomas Butill, who also represented Scottish interests during the subsequent negotiations between the envoys of Sigismund, Benedict, and King Ferdinand of Aragon.<sup>333</sup> King Ferdinand took the lead in these discussions, and, by April 1415, he had succeeded in persuading Pope Benedict to meet Sigismund at Nice in June.<sup>334</sup> By this time, of course, Pope John XXIII had fled Constance, pre-empting the Council's plans to depose him.<sup>335</sup> This event would have further heightened Benedict's expectations for a compromise agreement, and his optimism is reflected in his decision to send the newly-consecrated bishop of Moray and the canon of Barcelona, Philip de Medalia, to request that Scottish commissioners be sent to Nice.<sup>336</sup>

Despite these favourable omens, it soon became apparent that Benedict was not prepared to take the final step and renounce his papal title.<sup>337</sup> This obstinacy paved the way for Sigismund to begin his own initiative to contrive the adherence of the Iberian states to the Council of Constance.<sup>338</sup> Negotiations began at Narbonne soon after the arrival of Sigismund in August 1415, and, despite the delay in proceedings occasioned by the ill-health of King Ferdinand, the Aragonese began to contemplate withdrawing from Benedict.<sup>339</sup> Nevertheless, King Ferdinand was still reluctant to withdraw formally from the Avignon pope until the latter agreed to renounce his title.<sup>340</sup> Negotiations

continued on this basis between all the interested parties, including the counts of Armagnac and Foix but, rather predictably, came to no practical conclusion.<sup>341</sup> All this was to change, however, when Pope Benedict, in a very public show of defiance, augmented the ranks of his cardinals by promoting several sympathetic prelates, before declaring his unequivocal opposition to the direction of the negotiations by leaving for Peniscola.<sup>342</sup>

This action of Benedict's finally persuaded the delegates at Narbonne to come to an agreement on 13 December 1415.<sup>343</sup> Although, at this stage the signatories to the Twelve Articles of Narbonne were still technically within the obedience of Pope Benedict, implicit to the agreement was an obligation to attend the Council of Constance.<sup>344</sup> Scotland's position at Narbonne is unclear, despite the fact that the Scottish envoy, Thomas Butill, remained present throughout the negotiations.<sup>345</sup> The possibility that Butill did not have full ambassadorial authority, however, is suggested by King Ferdinand's attempt to ascertain the attitude of the Scottish government to the increasingly tenuous position of Pope Benedict, in the summer of 1415.<sup>346</sup> Moreover, the fact that the Scots were being deliberately abstruse, is given further credence by a letter written to the governor by King Ferdinand in December 1415, from which it is apparent that the Aragonese king was still awaiting confirmation of Scottish intentions with regard to the council at Constance.<sup>347</sup> Interestingly, there is at least one source which cites the 'King of Scots' as being one of those who swore approval to the Narbonne Articles, when they were ratified by the Council of Constance in February 1416.<sup>348</sup> Whether this reference corresponds to the governor as the constitutional representative of the Scottish king, or the person of King James himself, who may well have been involved with the early proceedings at Constance, is difficult to determine.<sup>349</sup> When replying to an embassy sent



by the Council of Constance to Scotland towards the end of 1416, the governor apologised for not having sent ambassadors earlier, a statement that would seem to imply that the Scots had previously agreed to do so.<sup>350</sup> Nevertheless, even if the Scots did offer their tentative agreement to Narbonne, it is clear that the governor and his council made no attempt to commission representatives to Constance, despite an embassy from Sigismund and the withdrawal of the majority of the Narbonne signatories from Benedict during the months after the agreement.<sup>351</sup>

The apparently immutable opposition of the Scottish government to Constance may well have been fired by the way in which the paternalistic role of Sigismund was to become tainted by his decision to enter into a military alliance with Henry V of England at Canterbury in August 1416.<sup>352</sup> Given that this treaty obliged Sigismund to provide military assistance to Henry V's campaign in Normandy, this would have done little to allay Scottish fears of an Anglo-German bias within the Council of Constance.<sup>353</sup> Sigismund's overtly political stance confirmed the suspicions of many of the Italian states who had hitherto vacillated between ambivalence and opposition to the Council of Constance.<sup>354</sup> As for the recently-converted Iberian kingdoms, it is notable that their respective ambassadors did not arrive at Constance until long after their formal withdrawal from Benedict.<sup>355</sup> There was to be further politicisation of the proceedings at Constance when the right to vote, hitherto the exclusive domain of the prelates, was extended to include representatives from the universities and from the secular rulers.<sup>356</sup> More significantly, England, previously incorporated with the Germans in one Nation, now aspired to their own separate identity as the English Nation, greatly increasing their influence and control over the council's direction.<sup>357</sup> This development was opposed by both the French and the Spanish, the latter's late arrival



at Constance allowing the English Nation to supersede them in terms of precedence.<sup>358</sup> During the subsequent dispute, the English envoys justified their stance and emphasised their political pre-eminence by citing their sovereignty over Ireland, Wales and Scotland.<sup>359</sup> Although this was vigorously rebutted by the French, these inflated arguments served to remind the Scots of English claims of sovereignty, most recently asserted in March 1416.<sup>360</sup> Indeed, this sinister development can only have alerted the Scots to the not unprecedented possibility that an English king intended to enlist the political influence of the papacy to undermine Scottish sovereignty. Scotland's fears would seem to have been realised when, after the deposition of Pope Benedict on contrived charges, Guy de Colonna was elected as Pope Martin V under the auspices of the English and the Germans in November 1417.<sup>361</sup>

It is worthwhile questioning at this point whether the election of Pope Martin provoked any divergence in attitude between the governor and the Scottish Church. Although it was not until the General-Council of October 1418 that Scotland formally seceded from Benedict, the election of James Haldenstone as prior of St Andrews towards the end of 1417, is traditionally regarded as signalling the point at which the Benedictine solidarity of the Scottish clerics began to disintegrate.<sup>362</sup> Of the twenty-six canons eligible to vote for the new prior, ten refused to take part in the proceedings, arguing that the election should most properly be reserved to Pope Benedict.<sup>363</sup> The remaining sixteen canons proceeded to elect Haldenstone as prior, and, in sending the new prior to Constance for confirmation, appear to have signalled their support for Pope Martin, more than eighteen months before the official embassy arrived at Martin's curia to declare Scotland's formal obedience.<sup>364</sup> However, if, as it would appear, nearly 62% of the canons of St Andrews had decided to withdraw from Pope Benedict's obedience by the

end of 1417, it is not inconceivable that a feeling of disquiet with official policy had been set in train much earlier.

It may well be that Scotland's ecclesiastics had begun to question their unfailing obedience to Benedict as early as April 1415, when the Council of Constance issued the decree of Sacrosancta, whereby papal supremacy was effectively denied and the authority of the pontiff subjected to a General-Council holding its authority directly from Christ.<sup>365</sup> The aspirations enshrined within this decree would not have been foreign, nor perhaps unwelcome, to Scottish churchmen, given the similarities between conciliarist theory and the principles of conciliar government which had become integral to the Scottish constitution.<sup>366</sup> Many of Scotland's prelates would have had the opportunity to imbibe conciliarist ideas having studied at the University of Paris, which was then at the vanguard of the conciliarist movement under the influence of its respective chancellors, Jean Gerson and Pierre d'Ailly.<sup>367</sup> This was particularly true of many of the ecclesiastics associated with the foundation of the University of St Andrews, who, although initially strongly Benedictine, may have welcomed the new tone set by the Council of Constance.<sup>368</sup> In addition, given the contribution of the nominalist school of philosophy to the development of conciliarist ideas, and the fact that the first rector of St Andrews, Laurence of Lindores, was himself an ardent nominalist of the Buridan school, one would expect a strongly conciliarist climate to have prevailed at Scotland's first university.<sup>369</sup>

The preponderance of Scottish churchmen at the anti-papal church council, held at Basle in the 1430s, would seem to support the theory that the legacy of Lindores cultivated their conciliarist beliefs.<sup>370</sup> Perhaps, therefore, it is no coincidence that one of the first graduates of St Andrews,



Thomas Livingstone, was to play such a prominent rôle in the Basle council.<sup>371</sup> Other masters associated with St Andrews and who later attended Basle, such as John Fogo and Donald MacNaughton, were instrumental in persuading the General-Council of October 1418 to renounce Benedict and adhere to Pope Martin.<sup>372</sup> Indeed, MacNaughton is cited as being merely one of a group of Scots from St Andrews University who attended the later proceedings of the Council of Constance, and who returned home convinced of the legitimacy of Pope Martin's election.<sup>373</sup> Whether this group represented an official delegation from the university to Constance is unclear, but it certainly included John Elwald, the rector, who was appointed by the university to lead the opposition to Pope Benedict at the 1418 General-Council.<sup>374</sup> William Croyser, one of the first teachers at St Andrews, also attended Constance soon after Pope Martin's election, and, together with his university colleagues, obtained favours from the new pope early in 1418.<sup>375</sup> Another group of individual Scots who are known to have attended the proceedings were, perhaps, more immediately inspired by the conciliarist stance taken by the University of Paris. John Crannoch and John Darling attended the council as members of the English Nation at Paris, and were both included in rolls sent by the university to Pope Martin in January 1418.<sup>376</sup> Nevertheless, one of the great paradoxes of the conciliarist debate is manifest by the fact that it was Laurence of Lindores who denounced as heretical the decision taken by the council to initiate the proceedings that resulted in the desposition of Benedict in 1417.<sup>377</sup> It should also be noted that John Haldenstone, as a proponent of the realist school, opposed the philosophical stance of Lindores, yet was one of the first Scottish prelates to offer his obedience to the new pope, returning from Constance to espouse the Martinist cause at the 1418 General-Council.<sup>378</sup> Moreover, Haldenstone was later to clash with King James by reason of his strongly papalist views, and was a



notable absentee from the conciliarist assembly at Basle.<sup>379</sup>

Even if it is accepted that there were those within the university who were inspired in their opposition to Benedict by conciliarist principles, there must have been some other factor which confined this ideological impetus. This is seen by the meeting of the Acts Faculty at St. Leonard's in August 1418, where, though a minority pressed for an 'immediate and unilateral' subtraction from Benedict, the majority preferred to delay until the matter was discussed at the forthcoming General-Council 'out of respect for the Governor and all of the realm'.<sup>380</sup> This reference to secular authority was most probably the result of the conditioning which characterised the Schism, and resulted in the Ecclesia Scoticana becoming inured to the secular yoke imposed upon its liberties. The restrictions already placed upon the Provincial Council of the Church, and the initiative taken by the governor in spiritual matters, are generally regarded as having their ultimate expression in the fact that it was the General-Council, and not a church council, that took the decision to withdraw from Benedict and adhere to the new pope.<sup>381</sup> Yet, it is probable that, even before the General-Council met in October 1418, these secular pretensions were reinforced by an ordinance which effectively prohibited supplications to Martin.<sup>382</sup>

Despite these official constraints, it is clear that many of the academics convinced of the legitimacy of the new pope, were successful in disseminating their views amongst some sections of the Second Estate. Contained within Haldenstone's Copiale, is a letter purporting to come from the earl of Douglas and addressed to the Scottish prelates on the eve of the October General-Council, wherein he exhorts them to adhere to Martin V.<sup>383</sup> Even if the authorship is questionable, as the editor of the Copiale

suggests, it is known that the earl had professed his sympathy for a conciliar approach to resolve the Schism, sometime prior to 1414. It was during this year that the University of Paris wrote to Douglas and referred not only to his efforts to promote the union of the church, but also to his promises to continue this work.<sup>384</sup> One historian cites the earl's 1413 alliance with the duke of Burgundy, who conformed to the Pisan succession in deference to his political interests in the Low Countries, as the inspiration behind Douglas' early defiance of Benedict.<sup>385</sup> However, Douglas may also have been encouraged in his antipathy towards Pope Benedict following the latter's decision, taken in 1415, to override the local election of the earl's secretary, Gilbert Cavan, to the bishopric of Candida Casa, and in his stead provide the curialist, Thomas Butill.<sup>386</sup> Other influences which coloured the views of Douglas are evident from his association with James Haldenstone, whose personal enmity towards the governor is borne out by the repeated references to their hostile relations within the prior's own copy-book.<sup>387</sup> Perhaps the canon who spoke at Haldenstone's election and praised the new prior's 'powerful friendships', was making an elliptical reference to the earl of Douglas.<sup>388</sup> No doubt Douglas drew further inspiration from his links with the university which, though noted in 1419, probably extended back much further through the medium of his secretary, William Foulis, who taught at St Andrews soon after obtaining his Master's degree at Paris in May 1411.<sup>389</sup> Other Martinists within the university included Fogo and Elwald, the former being described as the earl's confessor in 1419, while Elwald was to return to Martin's curia in 1423, to conduct business on Douglas's behalf.<sup>390</sup>

The earl of Douglas appears to have taken an interest in Constance in the person of Griffin Young, the putative bishop of Ross, who was involved in the proceedings of the



council prior to Martin's election and, thereafter, was sent to Scotland with Finlay of Albany to procure the obedience of the Scots 'under pain of heresy'.<sup>391</sup> Griffin's return visit to Martin's curia in October 1419 saw him delivering at least one petition on behalf of the 'earl of Douglas, Warden of the Marches of Scotland'.<sup>392</sup> Other clerics more closely associated with Douglas also frequented the later proceedings of the council, and included his own chaplain, Robert Scot, who is mentioned as having been the 'first in Scotland to make obedience to Martin V'.<sup>393</sup>

However, owing to the earl's past predilection for pursuing his own political agenda, his motives and sincerity in regard to his involvement at Constance have to be questioned. More specifically, Douglas's contacts with the captive King James may be lauded by modern historians, but, as was seen, merely served to undermine the constitutional arrangements that spawned the governorship and threatened to dismantle the political solidarity that had, hitherto, contributed to its success. Perhaps, in this respect, the early adherence of both King James and Douglas should be viewed in the same light. If this premise is accepted, it is probably no surprise that the earl's stance conflicted with both the governor, whose personal loyalty to Benedict was noted by Bower, and with his main political rival, the earl of March, who remained loyal to Benedict until Scotland's official obedience to Martin was delivered.<sup>394</sup> As for the other members of the nobility, the early supplication of Sir Robert Keith, the Marischal, was not necessarily the result of a principled stand, and may well have been made as a form of spiritual insurance on account of his senescence and ill-health.<sup>395</sup> The only other senior noble who may have defied the governor and his council was the earl of Crawford, whose kinsman, Ingeram Lindsay, obtained from Martin a back-dated confirmation for his possession of the parish church



of Ratho.<sup>396</sup>

It was probably in response to this dissension that the governor issued the unusually early advance notice of his intention to hold a General-Council at Perth in October 1418, in order that the issue of obedience might be debated pro utilitate regni et rei publice.<sup>397</sup> As noted above, the university of St Andrews had already organised its opposition to Benedict in August 1418, appointing John Elwald as their spokesman.<sup>398</sup> Others from the university assisted Elwald in his attack against the English friar, Robert Harding, who had been chosen by the governor to speak in defence of obedience to Benedict.<sup>399</sup> Harding's most vocal detractor was John Fogo, a master of the Faculty of Theology, who proceeded to disassemble the friar's largely allegorical disputation on a point-by-point basis, and, together with Elwald pre-empted the conclusions of the council by procuring a bull from Pope Martin which condemned Harding's arguments as heretical.<sup>400</sup>

It is curious that Bower's account of the debate makes no mention of any other prelates who spoke in favour of continued loyalty to Benedict. Laurence of Lindores, the former rector of the university, was strongly Benedictine and might have been expected to make some effort to refute Fogo's arguments which, according to Bower, were not always of any great substance.<sup>401</sup> It is certainly notable that Lindores was later criticised by Haldenstone for failing to take more vigorous action against the blasphemous Harding, yet was not dilatory in proceeding against Fogo in 1433, when he detected heretical conclusions in Fogo's proposals to secede from the Franco-Scottish alliance and accept an English alternative.<sup>402</sup> John Scheves, the official of St Andrews and one of the earlier teachers at the university, was also known to be enthusiastically Benedictine, for, as late as September 1419, he was to receive a rehabilitative grace from Pope

Martin, on account of his enduring loyalty to Pope Benedict.<sup>403</sup> However, it is possible that these two Benedictine academics were silenced by the emotiveness of Fogo's arguments, particularly with regard to Harding's status as a 'foreigner', a fact to which Fogo made repeated reference.<sup>404</sup> This argument is given credence by Bower who stated that Harding put forward 'many attractive arguments', yet 'the whole university of St Andrews rose up against him'.<sup>405</sup>

It is also likely that many of Scotland's prelates felt torn between their loyalty to Benedict, and their growing unease with Scotland's isolation, now the last kingdom to remain within Benedict's obedience.<sup>406</sup> This was probably true of the bishop of Glasgow, who is reported to have played a prominent role in the Martinist cause, yet excused himself from a journey to Martin's curia, on the pretext of the great expense.<sup>407</sup> There is no definitive evidence for when Lawder formally adhered to Martin, but it is worth mentioning that his brother, Alexander Lawder, archdeacon of Dunkeld, is found petitioning Pope Benedict as late as December 1418, and therefore after the General-Council's decision to withdraw.<sup>408</sup> Similarly, Henry Wardlaw, bishop of St Andrews, is nowhere noted as having taken part in the council debate, yet was praised by Martin for his zeal and devotion ad nos et sancte Romane ecclesie.<sup>409</sup> Perhaps Wardlaw thought it necessary to claim political credit for the General-Council's decision while, in deference to his spiritual conscience, he continued to petition Benedict up until two days before Christmas 1418.<sup>410</sup>

It is also evident that the issue of obedience appears to have polarised along partisan lines, with Wardlaw's petition being included amongst a roll sent to Benedict with the governor's secretary, Andrew Hawick, in August 1418; the other supplications representing many members of

the royal family or those who were closely linked by marriage.<sup>411</sup> It could be argued that these partisan alignments were merely a consummation of the rivalry between the Governor Albany and the earl of Douglas. Hawick's persistent loyalty to Benedict was to provide an opportunity for Edward Lawder, who enjoyed the patronage of the Douglas family, to petition Pope Martin to deprive Hawick of the rectorship of Liston.<sup>412</sup>

Yet in attempting to discern political alignments along an Albany-Douglas axis, a task that concentrates the minds of many historians, it becomes apparent that there are many clerics who do not conform to expectations. John Litstar, a familiar of the earl of Douglas, made early obedience to Pope Martin, but was then tempted back into the Benedictine fold in the hope of usurping his colleague, James Haldenstone, as prior of St Andrews.<sup>413</sup> Another erstwhile familiar of the earl was John Gray, who was involved in an embassy from the French government and the University of Paris to secure the compliance of the Scots to Constance, yet, as clerk and counsellor to the governor, did not present himself at Martin's curia until August 1419.<sup>414</sup> John Feldew, who petitioned Martin in January 1418 and became one of the first Scots to receive a curial appointment, was described as the 'beloved clerk of the said Governor' in July 1419.<sup>415</sup> Another candidate who does not conform to type is the governor's own confessor, Finlay of Albany. The Vicar-General of the Dominicans in Scotland, Finlay first visited Constance in the rôle of observer, but, given his background he became an appropriate choice as mediator between the council and Duke Robert. It was probably inevitable that Finlay's involvement in the proceedings would lead to his early obedience to the new pope but, although his actions were disagreeable to the governor, he maintained his loyalty to the latter and to the Albany Stewarts as a whole.<sup>416</sup> This caveat with regard to facile assumptions also applies to



the many senior prelates, such as the Bishops Wardlaw and Stephenson, who supported the governor in both secular and spiritual matters, yet went on to serve King James with the same diligence in an apparently seamless transfer of loyalties.<sup>417</sup>

In this regard, there were patently other considerations which influenced Scotland's tardy response to Martin's election. It is generally assumed that the ten to eleven month delay between the decision of the General-Council to offer obedience to Pope Martin and the arrival of the Scottish ambassadors at his curia, was in some way manufactured by the governor.<sup>418</sup> However, there is no evidence to suggest that Albany did not accept the decision of the Three Estates. It is also worth mentioning that the ordinance prohibiting supplications to the 'Intruder', was not a personal exhortation by the governor, but a decision taken 'with the assent of some prelates, princes and barons of the realm of Scotland'.<sup>419</sup> A similar ordinance was made in France, which forbade recognition of Martin, shortly after the election at Constance.<sup>420</sup> In fact, many of the Parisian masters who had adhered to Martin soon after his election, were imprisoned for what was perceived as a latent attack on the French crown.<sup>421</sup> The period between Martin's election and France's formal acceptance of the Constance pope in April 1418, was used to negotiate a national concordat which carefully delineated the authority of the pope and the liberties of the Gallican Church.<sup>422</sup> In England, the crown entertained similar concerns with regard to the centralisation of power at the papal curia, and also feared that a French or Italian bias would be resumed.<sup>423</sup> With this in mind, Henry V informed the Archbishop of Canterbury that no supplications were to be made until negotiations with the papacy were concluded.<sup>424</sup> Much of King Henry's hostility derived from Martin's attempts to overturn the anti-papal Statutes of Provisors and Praemunire, a feat which the

pope hoped to realise through the offices of Bishop Beaufort, whose appointment as cardinal legate was, not surprisingly, opposed by the English king.<sup>425</sup> In the event, the negotiations between the English crown and the papacy were not finalised until the late spring of 1418.<sup>426</sup>

It is known that Martin also negotiated individual concordats with German, Italian and Iberian states, but there is no extant concordat for Scotland.<sup>427</sup> The Scots were also anxious to curtail papal pretensions with regard to provisions and taxation, but were particularly concerned to ensure a measure of influence within the confines of the papal curia. That the governor's envoys met with some success in this direction is manifest by the appointment of John Feldew as scriptor in the papal curia, 'so that thereby Scottish business may be transacted better and more speedily'.<sup>428</sup> The scriptors, like the referendaries and other officials who assisted in the papal administration, performed an important rôle in the drafting of curial business, and in this way could use their position to protect the interests of their own country.<sup>429</sup> Within the reformatory decrees announced by Pope Martin soon after his election, it was declared that these officials were to be fixed in number and equally representative, in an attempt to counter past criticisms of the undue influence enjoyed by certain states.<sup>430</sup> The appointment of Feldew, 'by way of addition', to this fixed number of scriptors after the close of Constance and before Scottish obedience was offered was, thus, a considerable diplomatic coup for the governor's ambassadors.<sup>431</sup> It is also apparent that during this period Martin had promised further concessions to the Scots, given the complaint made by the Governor Murdach in 1423, regarding the lack of favourable graces and paucity of appointments for his countrymen.<sup>432</sup>

A second consideration for the Scots during this period

was occasioned by the machinations of Henry V, who was attempting to consolidate his military gains in Normandy. As seen earlier, the election of Martin had been contrived with the support of the English king and his Canterbury ally, Sigismund, King of the Romans. Such were the suspicions surrounding the pope's relationship with Sigismund, that the political rivals of the latter, particularly the Florentines, were moved to seek personal assurances from Martin to safeguard their independence.<sup>433</sup> Similar doubts were entertained by the French, who were anxious to ascertain the papacy's political orientation in the Hundred Years' War. Throughout 1419, it is known that King Henry's envoys were engaged in a secret diplomatic campaign to secure papal support for English claims to the French crown, and to this end offered the pope the promise of a favourable re-working of the Statute of Provisors.<sup>434</sup> These efforts would have greatly alarmed the Scots who were then engaged in negotiations concerning military assistance to both the Armagnacs and the Burgundians.<sup>435</sup> It was probably in relation to this concern that one of the three Scottish envoys commissioned to offer obedience to Martin did not journey directly to the curia, but made a diplomatic detour via the court of the duke of Burgundy.<sup>436</sup> Although, ultimately, Martin did not accept the legitimacy of English claims to the French crown - subsequently contained within the Treaty of Troyes in 1420 - the Scots would have harboured their own anxieties with regard to King Henry's pretensions to sovereignty over their king and his realm.<sup>437</sup>

In a previous chapter, it was demonstrated that the captivity of the Scottish king had serious implications for the sovereignty of the Scottish realm, with both Henry IV and Henry V seeking to include the young King James in the pursuit of their pretensions. It was also suggested that the first appearance of King James on the international stage, in connection with the foundation of



the University of St Andrews, was sanctioned, if not actively encouraged, by the English crown to raise the profile and, thereby, diplomatic value of their most important political prisoner.<sup>438</sup> The success of this policy was realised when a letter written by the University of Paris to James, ostensibly to offer him consolation in his enforced exile, also recognised his enhanced diplomatic status by requesting the king's intercession to secure Scottish compliance with the proposals for a church council to end the Schism.<sup>439</sup> Of course, this recognition was as beneficial to King James as it was to his captors, and the Scottish king employed the services of his chaplains, notably Alexander Foulerton who also received a letter from the University of Paris, to maintain his involvement in the religious debate.<sup>440</sup> Furthermore, a contemporary record of the first session of the Council of Constance, states that the English embassy which arrived in the winter of 1414/15 included representatives from the King of Scots.<sup>441</sup> Citing James's captivity, the editor of Richental's chronicle questions the veracity of this statement, but this eyewitness account does correspond with the evidence of another contemporary, who indicates that King James was kept informed of the negotiations that were ongoing throughout the autumn and winter of 1415.<sup>442</sup>

This close association between King James and the English envoys at Constance is also confirmed by the French cardinal, Guillame Fillastre, who was present at the council's session in January 1417, and told of an English academic who delivered a fulsome eulogy on behalf of James and 'always he called him King of Scotland'.<sup>443</sup> This deferential encomium was in sinister contrast to the English crown's failure to recognise the constitutional position of the governor, and must have raised the apprehensions of the Scots, already in a state of disquiet following Henry V's recent claims to suzerainty over their kingdom.<sup>444</sup> It is known that King James had at least two

procurators at Constance, one of whom, Thomas Morow, a monk of Paisley, claimed credit for publishing the decree announcing Pope Martin's election in Scotland, and was noted as the king's 'first chaplain'.<sup>445</sup> The other, Thomas Mirton, was sent by Pope Martin to England and Scotland, 'on affairs of the pope and the Roman Church' in February 1418, returning to the curia by 6 July to deliver his king's formal declaration of obedience.<sup>446</sup> King James's obedience and early supplications to the new pope were in deliberate defiance of the Scottish General-Council's ordinance, but must have been welcomed by Henry V, whose clerks were careful to transcribe Martin's official notification of his election to King James in the temporary chancery at Caen, the English campaign headquarters in France.<sup>447</sup>

Equally significant was Pope Martin's acceptance of James as King of Scots with full royal prerogative. This is manifest by Martin's allowance of James's petition for the benefices reserved by Pope Benedict, between the time of his deposition until the obedience of King James - not the obedience of the Scots which was given one year later - to be provided to those 'well-disposed to the king'.<sup>448</sup> This petition was effectively an act of subversion directed against not only James's uncle, the governor, but also the General-Council and the constitutional arrangements put in place at the time of Robert III's death. King James's arrogation of constitutional authority was then reinforced by a subsequent petition to the pope on behalf of his secretary, John Lyon, when he appears to reproach the pope for his provision of William Croyser to the archdeaconry of Teviotdale, which was done 'without supplication of the said king'.<sup>449</sup> It is probable that, while the Scots were attempting to negotiate a national concordat with Martin after the General-Council of October 1418, they were also immersed in the task of acquainting the new pope with the implications arising from King James's captivity, in

particular, pointing out that Martin's recognition of King James was tantamount to papal approval of the English king's claims of overlordship over the Scottish realm. It is unlikely that Martin would have wished his credibility as a universal pope to become tainted with political bias so early in his pontificate, and some measure of compromise is indicated by his declaration regarding the reservation of benefices, which was made when the Scottish envoys were at his court in August 1419.<sup>450</sup> Nevertheless, full acknowledgement of this anomalous situation was not effected until February 1420, when King James had already accepted the suzerainty of Henry V by promising to serve in his French war.<sup>451</sup> Even if Martin's actions had been coloured by his own naiveté, the Scots were not inclined to be so charitable, especially as their suspicions of collusion between the papacy and Henry V were apparently confirmed by the level of diplomatic traffic between King James, the curia and the English council, which was established by the industry of James's own chaplains.<sup>452</sup>

The English crown no doubt welcomed the opportunity to exploit the confusion created by the pope's intervention, particularly as it had the potential to provide a favourable preamble to Scottish acceptance of James's liberation on terms dictated by the English king. In this they had a willing accomplice in the person of the earl of Douglas, who, even before he negotiated the conditional return of James in 1421, had demonstrated his readiness to defy the governor by maintaining close personal contact with the Scottish king, as well as acting in concert with the royal captive's precocious adherence to Martin.<sup>453</sup> Moreover, that Scotland was now experiencing its own internal schism is evidenced by the dispute that arose over the abbacy of Paisley. Thomas Morow had procured provision to the abbacy while acting on James's behalf at Constance in March 1418, in defiance of the Benedictine candidate, John Lithgow.<sup>454</sup> In addition, although Morow did



ultimately gain undisputed possession of Paisley after the king's return, it was preceded by a period of protracted litigation which provoked much bitterness.<sup>455</sup> Thomas Mirton became involved in a similar dispute over the deanery of Glasgow with Alexander Lawder and Walter Stewart, the governor's brother. This had led to 'serious scandals' amongst the supporters and kinsmen on both sides; a reference no doubt to the fact that Governor Murdach regarded the said Thomas as 'odious'.<sup>456</sup> However, the most potent expression of the prevailing acrimony came from James Haldenstone who, in a semi-hysterical letter addressed to himself, declared that he had offered obedience to Martin on behalf of the King and not the Governor, and as a result 'withdrew from his honour'.<sup>457</sup>

It is apparent, however, that not all Scotland's clerics so readily accepted the intrusion of King James. In July 1423, the Scottish king supplicated Pope Martin for two or three bishops to be granted legative powers, so that he might pursue 'certain reprobates, both prelates and other clerks, who, as is said, have committed lese majesty in many ways and have hindered his liberation from the hands of the English'.<sup>458</sup> Who these 'reprobates' might be is not immediately apparent. It is known that Finlay, bishop of Dunblane and Pope Benedict's commissary, was criticised by Morow for his opposition to the latter's provision to Paisley, which opposition was done 'out of malice in fomenting of schism and in prejudice of the said Abbot'.<sup>459</sup> Yet the complaint of the King was written in the present tense and, thus, Finlay's death four years earlier excludes him as a likely candidate. His successor at Dunblane, William Stephenson, as one of the three ambassadors commissioned to offer Scotland's obedience to Pope Martin, may have been charged with the task of ensuring that King James's petition regarding Scottish benefices was overturned.<sup>460</sup> Another possible candidate is suggested by the person of John Crannoch, who, as bishop

of Brechin, acted as a recruiting agent for the Dauphin Charles from c.1418, and thus threatened to derail the negotiations for the king's deliverance, which the English wished to make conditional upon Scotland's neutrality in the Anglo-French war.<sup>461</sup> A less obvious contender for James's opprobrium was Bishop Wardlaw who punctiliously disregarded James's interference in Scotland's ecclesiastical affairs by refusing to accept the king's nominee, William Foulis, to the vicarage of St. Giles in Edinburgh.<sup>462</sup> Other, lesser, clerics may have incited James to this state of near apoplexy, notably Andrew Hawick, who served both governors so diligently that he was moved 'to make restitution for injuries'.<sup>463</sup>

Aside from all the constitutional concerns which occupied the governor and his council during the months after Benedict's deposition, there is one final point which must be considered. Pope Martin may have excused the 'legitimate impediments' which conspired against Scotland's early obedience, but it is apparent that the new pontificate was neither immediately nor universally welcomed by the rest of western Christendom either.<sup>464</sup> In a letter written to Pope Martin in February 1418, the king of Aragon referred to the persistence of Benedictine bias within the Iberian states, France, Scotland and certain parts of Italy; which sentiments are even 'secretly held by those who are gathered at the Council of Constance'.<sup>465</sup> Within the kingdom of Aragon itself, at least two cardinals and a number of the clergy were still maintaining their loyalty to the deposed pope.<sup>466</sup> Bernard, count of Armagnac had remained sympathetic towards Benedict throughout the Schism, and his successor, Jean IV, after an initial dalliance with Martin, is to be found petitioning Pope Benedict for a marriage dispensation in the spring of 1419.<sup>467</sup> In France, there was a general feeling that their failure to counter the military might of the English armies had been pre-ordained by their



withdrawal from Benedict, and there is evidence for contact between the Dauphin and an envoy of Benedict after April 1418, when the Council of Constance was dissolved.<sup>468</sup> Even that most vocal advocate of church union, the University of Paris, still harboured those who remained insistently Benedictine.<sup>469</sup> Humphrey of Gloucester, brother of Henry V, may not have been known for his constancy in foreign affairs, but it is still remarkable that he is found in communication with Pope Benedict, even though England had never recognised the Avignon obedience.<sup>470</sup> Indeed, such was the fear of a Benedictine renaissance, one of Martin's cardinals attempted to arrange Benedict's assassination in October 1418.<sup>471</sup>

As for the Italian states, their attitude to Martin V was influenced as much by the endemic wars which had persisted within Italy throughout the Schism, as it was by their suspicions of the nature of the relationship between Sigismund and the Constance pope. Martin's awareness of the need to establish his credibility in this regard, had led to his decision to leave Constance at the earliest opportunity, and inspired his subsequent efforts to demonstrate his objectivity by offering to act as a mediator between the King of the Romans and the Venetians.<sup>472</sup> Furthermore, the pretensions of the condottiere Braccio in Umbria had not only prevented many of the Italian cities and provinces from adhering to Martin, but had also denied the new pope access to much-needed financial support from the temporal lands of the papal patrimony.<sup>473</sup> Such was the challenge facing Martin, it was not until 1420 that he was able to procure the submission of all of the papal states and enter Rome as a truly universal pontiff.<sup>474</sup>

In conclusion, therefore, Bower was right to emphasise the political inspiration behind the origin and duration of the Great Schism. The coincidence of the closing years of



the Schism with Scotland's first governorship, and the persistence of Anglo-Scottish hostilities led to a blurring of the lines between the political and ecclesiastical domains, which invited comparisons with the circumstances of the first War of Independence.

It was seen that the responsibilities of the crown to defend the liberties of the Scottish Church were not only inherited by Scotland's first governor, but pursued with an assiduousness that earned praise from contemporaries. If the governor's eagerness to fulfil his obligations was also marked by the unprecedented exercise of secular control over religious affairs, his intrusion was not necessarily unwelcome, and, in any case, this was tempered by an equal level of concern for the spiritual well-being of the national church. That the political and military obligations of the governor to defend the realm became indistinguishable from his ecclesiastical responsibilities, was particularly apparent when considering Scotland's relations with England, at a time when the two countries offered their obedience to different popes. Scotland may have been unable to use the papacy as a bulwark against English pretensions as in the past, but, as previous popes had not always looked favourably upon the supplications of their 'special daughter', this was not necessarily a disadvantage. The Scottish crown and the Scottish church often shared the same aspirations, such as during the dispute with the archbishopric of York, and this mutual desire to preserve the Scottishness of the Ecclesia Scoticana was manifest by the breach with Durham over its claim to the priory of Coldingham. Just as the church was a willing accomplice in Robert II's anti-Durham strategy, so it was during the governorship when the First and Second Estate acted in concert to rid the kingdom of the insufferable presence of English clerics.

However, even if Scotland benefited from this ecclesiastical divergence, the isolation of the Schism did engender an unhealthy introspection and heightened sensitivity to criticism from abroad. This was seen with the issue of heresy and the fact that Scotland's first Lollard heretic was put to the flames during the period of her first governorship. Nonetheless, it was demonstrated that Lollardy was largely an English import which did not take hold in Scotland to the same degree as south of the Border. There was no Scottish counterpart to Sir John Oldcastle, nor was there any evidence to suggest that the Scottish nobility played anything other than a passive rôle in the rebellions of the English Lollard knights, being content to fan their anti-Lancastrian intrigues with promises of the Mammet's collusion. The concern of contemporaries such as Bower and Haldenstone for the invidious evils of heresy was not matched by evidence for the very heretics which they so vigorously condemned. Apart from one or two isolated incidences of heterodoxy noted by Haldenstone, only Quintin Folkherd had the honour as Scotland's only home-grown heretic. However, even if Folkherd's opinions were perilously similar to the heresy of Lollardy, it was apparent that his criticisms of the state of the Scottish Church were shared by many within the church's rank, casting doubt on whether this new heresy truly jeopardised the spiritual fabric of the Ecclesia Scoticana.

In this respect, it is probable that the association of Scotland's first university with the fight against heresy was as much an attempt to demonstrate reformist credentials, as it was a response to her detractors, who sought to exploit the existence of heresy within Scotland as a means to contrive compliance with their plans to effect the union of the Church. Although there was no spiritual impetus to the Schism, this did not prevent Scotland from responding to the increasingly vocal calls

for reform by continuing the educational momentum begun at St Andrews with the establishment of further colleges. Moreover, it was clear that the new university was also a product of national awareness which, in Scotland's case, had been accelerated by the circumstances of the Schism and inspired a revived interest in her own spiritual culture. This nationalist sentiment was not entirely anti-English, but could be construed as an expression of growing confidence and maturity. Indeed, St Andrews was to provide a forum for debate which equalled that of its Parisian rôle model and made a significant contribution to the discussions during the denouement of the Schism. It could also be argued that one positive aspect of Scotland's detachment from the mainstream of western Christendom, was that it allowed a measure of self-contemplation which would have been otherwise denied. This prompted the repeated attempts at both a local and national level to invigorate the marrow of the Scottish Church, efforts which were not only complemented by the support of the secular authority, but also by the ministrations of her own pope, Benedict XIII.

That the First Estate broadly welcomed the governor's intrusion, is evidenced by the remarkable solidarity displayed by the majority of Scotland's ecclesiastics, with only an insignificant minority being moved by the alternating promises and threats from the rival pope and his adherents. Although Scotland did maintain a measure of interest in the via concilia, it was not until the Council of Constance issued its decree of Sacrosancta that this unity of purpose began to recede. Probably inspired as much by the attractiveness of this new conciliarist tone, as by a sense of growing unease with Scotland's isolation, two-thirds of the canons who voted for James Haldenstone as prior of St Andrews, placed their trust in this recently-reinvented council. Nonetheless, the secular restraints which characterised the Schism, and which were



to culminate in the pre-eminent rôle played by the General-Council in the issue of obedience, pre-empted a wholesale defection of Scotland's ecclesiastics to the cause of Constance.

The restraining influence of the governor and his council was a necessary prerequisite to the negotiations for a papal concordat which recognised the independence and sovereignty of Scotland. It was seen that this delaying tactic was employed by other nations, but was particularly relevant to Scotland given the influence of England in Pope Martin's election, and the way in which King James was used as a diplomatic counter to coerce the Scots into accepting the suzerainty of Henry V. The success of the English king's strategy was manifest by Pope Martin's apparent approval of King James's intervention in Scotland's ecclesiastical affairs. This intervention not only undermined the constitutional authority of the governor and the General-Council, but also abetted Scotland's descent into a schism of her own. Nevertheless, although there were those such as the earl of Douglas who acted in concert with the Scottish king's early adherence to the new pope, there were others within the realm, notably the bishop of St Andrews, who resented James's unconstitutional intrusion. In addition, although the issue of obedience did polarise opinion in Scotland, it was not always possible to conform to the predilection of modern historians for adversarial politics, and assign individual clerics to the corner of either the governor or the king.

Finally, although hindsight is often illuminating, it can create as many misconceptions as it dismantles. The retrospective criticism of Scotland's late conformity with the rest of Christendom ignores the political and spiritual benefits that accrued during the period of the Great Schism. By the time that obedience was formally

offered to the new pope, Scotland had achieved the foundation of her first university and the beginnings of a truly national church, which like its secular partner, emerged from the Schism free and untroubled by English pretensions.

# NOTES

1. Pope Celestine issued the papal bull, Cum universi, in 1192. By this bull, the nine sees that comprised the Ecclesia Scoticana were declared immediately subject to the papacy, confirming their independence from the archbishopric of York. Barrow, Kingship and Unity, p. 69, Duncan, Scotland: The Making of the Kingdom, p. 275.

By the Quitclaim of Canterbury, agreed in 1189, William I of Scotland extracted from Richard I of England, a cancellation of the 1174 Treaty of Falaise, whereby the Scottish king had been obliged to recognise the feudal superiority of the English crown over the Kingdom of the Scots (Barrow, Kingship and Unity, pp.53-54.

Alongside the Treaty of Edinburgh, Edward II of England renounced all claims to sovereignty over the Scottish kingdom. Barrow, Bruce, pp. 258-260.

2. In his Scotichronicon, Bower consistently refers to the Schism as lasting for more than eighty years, despite the fact that the Schism began in 1378 and ended in 1417. The Hundred Years War, which began in 1337, had endured for eight-two years when the Scots offered their obedience to the new pope, Martin V, in the summer of 1419. Chron.Bower, (Watt), viii, pp. 85, 223, 231.

3. Mason, 'Kingship, Tyranny and the Right to Resist', p. 129; Cant, 'Kingship', p. 11. These sentiments are echoed by Bower, who declared that it was 'the duty of every King to worship God to the highest degree and know His law'. Chron.Bower, (Watt), ii, p. 258. For the full text of The Harp, see Liber Pluscardensis, i, pp. 392-400.

4. At a parliament held at Scone in December 1318, Sir Thomas Randolph, earl of Moray, was appointed to act as guardian in the event of the king's death: APS, i, 465. For Robert I's oath, see Barrow, Bruce, p. 150.

5. Lyall, R.J., 'The Medieval Scottish Coronation Service: Some Seventeenth Century Evidence', in Innes



Review, vol. xxviii (no. 1), 1977, pp. 9-10.

6. Ibid, pp. 9-10: A.P.S., i, 572.
7. Albany served as lieutenant from 1388 to 1392, and again from 1402 to 1406. The commissions are only extant for the years 1388 and 1404. APS, i, 555: Duncan, 'Councils-General', p. 135.
8. 'He was a constant Catholike;  
All Lollards he hatyt and heretyke.'  
Chron.Wyntoun, vi, p. 417.
9. CPR, Letters, iv, pp. 252-3: CPL, Clement VII, p. 116.
10. Parliament held in March 1391: APS, i, 578; Nicholson, Later Middle Ages, p. 238.
11. The bull, Quidam Vestrum, was granted by Pope Honorius III. Watt, D.E.R., 'The Provincial Council of the Scottish Church, 1215-1472', in Medieval Scotland: Essays Presented to G.W.S. Barrow, edd. Stringer, K.H., Grant, A. (Edinburgh, 1993), p. 145.
12. Nicholson, The Later Middle Ages, p. 238: R.K. Hannay, 'James I, Bishop Cameron, and the Papacy', in SHR, xv (1918), p. 192: APS, i, 576.
13. The General-Council was held at Perth at the beginning of October. No record extant for the meeting of a Provincial Council in that year: Chron.Bower, (Watt), iii, pp. 86-93: Watt, 'Provincial Council', p. 154.
14. C.P.R., Petitions, i, 609.
15. For discussion on the issue of crown nominees, see Grant, Independence and Nationhood, p. 93: C.P.L. Benedict, pp. xv-xviii, xxv, xxix, xxvii-iii.
16. Nicholson, Later Middle Ages, p. 468.

17. C.P.L., Benedict, passim: C.S.S.R., i, passim; A.P.S., iii, 13.
18. C.S.S.R., i, 162-3. February 1420.
19. A.P.S., i, 573.
20. Chron.Wyntoun, vi, p. 417.
21. St Andrews Copiale, p.3: Chron.Bower, (Watt), viii, p. 67.
22. C.P.L., Benedict, p. 304.
23. MacLean, Watt, L., 'The Scottish Church's Struggle with England for Independence', in Records of the Scottish Church History Society v, (1935), p. 195.
24. Lawrence, C.H., The English Church and the Papacy in the Middle Ages, (1965), p. 103.
25. Duncan, The Making of the Kingdom, pp. 128-131, 258-261; Dickinson, Scotland from the Earliest Times, pp. 129-30: MacLean Watt, 'The Scottish Church's Struggle', pp. 185-195: Watt, 'The Provincial Council', pp. 140-1.

When Alexander II requested that Pope Honorius III allow his legate to crown and anoint him, this was denied on the grounds that the Scottish king 'is said to be subject to the King of England'. Duncan, The Making of the Kingdom, p. 526. This request was repeated by Alexander III and, though unsuccessful, an English petition to Innocent IV, asking that the Scottish king should not be crowned without the consent of the English crown, was refused. Ibid., p. 559.

26. Barrow, Bruce, p. 61.
27. Note:-  
a) the rôle of Boniface VIII in securing the

release of the hapless Balliol from English custody in 1298/9. Barrow, Bruce, p. 95;

b) The 'Processes' of Baldred Bisset in 1301: ibid., p. 241.

c) The Declaration of Arbroath in 1320 ibid., pp. 302-309.

d) David II's petition to Clement VI in 1350, asking for help to secure his deliverance from England. Duncan, 'Honi soit qui mal y pense', pp. 117-118: C.P.R., Petitions, ii, 203.

For examples of papal hostility, see Barrow, Bruce, p. 263; Nicholson, Later Middle Ages, p. 99.

28. An interesting, though biased, account of the events leading up to the Great Schism is provided by a contemporary, Thomas Rossy, Bishop of Galloway. McEwan, H., 'A Theolog Solempne', Thomas Rossy, Bishop of Galloway', in Innes Review, viii (1957), pp. 22, 27-28.
29. Dobson, R.B., Durham Priory; 1400-1450 (Cambridge, 1973), p.317. King Edgar had made the grant to Durham 'out of reverence to God and St. Cuthbert'.
30. A.L. Brown, 'The Priory of Coldingham in the late Fourteenth Century', in Innes Review, xxiii (1972), pp.91-2; Boardman, Early Stewart Kings, p. 112.
31. Ibid; C.P.L., Clement VII, p. 25.
32. Dated at Holyrood, 28 April 1379. Raine, J., The History and Antiquities of North Durham (London, 1852), p. 103.
33. Brown, A., 'The Priory of Coldingham', pp.94-5: Chron.Bower, (Watt), vi, p. 225.
34. Ibid., p. 97: S.R.O. GD 12/10.
35. Brown, A., 'Priory of Coldingham', pp.99,100-1.
36. Dobson, Durham Priory, p. 317.



37. Nicholson, Later Middle Ages, pp. 219-220: Signet Letters, no. 69: Chron.Bower, (Watt), viii, pp. 49, 51, 53: ER., iv, 6.
38. Claxton was accused of, amongst other things, sacrilege, murder, robbery and spying in 1379. See above, n. 32: Chron.Bower, (Watt), vi, p. 67.
39. From c.1401, if not earlier, until 1402, Aclyf was exiled on the Holy Isle. Dobson, Durham Priory, p. 318.
40. Chron.Bower, (Watt), vi, pp.67-9: Coldingham Corresp., p. 251.  
No date is given for the General-Council, but in the governor's letter to the bishop of Durham demanding Aclyf's recall, reference is made to the latter intronitting with the priory, in prejudice of a Dunfermline monk, Richard Mungal. In 1409, Coldingham was noted as having been detained by Mungal for more than seven years. C.P.L., Benedict, p.208. Aclyf is known to have been at Coldingham in June 1407, which may be the point at which he returned, or just before he was expelled. Raine, North Durham, no. Dxcii.
41. Chron.Bower, (Watt), vi, p. 61: Barrow, Bruce, pp.67-8.
42. Nicholson, Later Middle Ages, p. 197: C.S.S.R., i, 73-4, 309-10.
43. Chron.Bower, (Watt), vi, p.67. Note the title of Bower's chapter on Coldingham:- 'The Monks of Durham Ought Not To Be in Coldingham'.
44. MacEwan, 'Theolog Solempne', pp. 27-28.
45. Watt, Graduates, p.568.
46. Dobson, Durham Priory, p. 318. Aclyf held a court as prior of Coldingham, at Renton in February 1410. H.M.C., v, pt. 1, p. 647.

47. Raine, North Durham, no. cxlv. Dated at Coldingham, 24 February 1411.
48. Dobson, Durham Priory, p. 319, n.6: Brown, M., James I, p. 43: Raine, North Durham, no. cxlviii.
49. Storey, Langley's Register, p.162. Letter dated 8 August 1411.
50. C.P.L., Benedict, pp.286, 287.
51. Drax was acting as bursar and procurator at Durham in November 1416. Storey, Langley's Register, p.118.
52. Douglas had been abroad from spring 1412 to early summer 1413. Vaughan, John the Fearless, p. 260. The earl was briefly back in Flanders from 26 March 1413, probably to raise money in advance of his ransom negotiations. He had returned to Edinburgh by October the same year. Signet Letters, no. 763: Rot. Scot., ii, 205-208: F.O., ix, 48: Raine, North Durham, no. cxlvi. It was not long after the earl's return from Flanders that the prior and chapter of Coldingham appointed Douglas as their chief bailie.
53. Drax was appointed as prior sometime during 1417. In May 1419 he was noted as having been in possession for two years or more. C.S.S.R., i, 44.
54. Drax was presented to the bishop on 31 January 1418, and the earl of March was honoured by the Durham monks during the same month. Dobson, Durham Priory, p. 319 + n.6: Brown, A., 'Priory of Coldingham', p. 99.
55. See above, Chapter III.
56. Murray, Acta, R.G. 165.
57. Ibid., R.G. 168.
58. Chron.Bower, (Watt), viii, 201: Dobson, Durham Priory, p. 319.

59. C.P.L., Benedict, p. 380.
60. C.S.S.R., i, 123-4. It is possible that Robert was related to a certain John Boumaker, who was one of the Governor's chaplains. Ibid., 137.
61. Ibid., 124, n.1, + sub voce, Brown/Bron. As late as the summer of 1422, Bron was still pursuing his claim at the curia.
62. Dobson, Durham Priory, p.320.
63. Chron.Bower, (Watt), viii, pp.115-117.
64. Chron.Bower, (Watt), vi, p. 226. See above, Ch. III, nn. 335-338.
65. Ibid.
66. Dobson, Durham Priory, pp.319-320: Coldingham Corresp., p. 252.
67. Chron.Bower, (Watt), vi, p.71: St Andrews Copiale, pp. 97-8, no. 52.
68. A.P.S., ii, 24. May 1424.
69. C.S.S.R., i, 44, no.1.
70. Dobson, Durham Priory, p. 320. See Chapter III for liberation negotiations in the winter of 1423/4.
71. S.R.O., S.P., 13/12. 5 letters written by King James and all dated at Stratford Abbey, 30 January [1412].
72. See below, pp. 420-1.
73. The earl of Douglas left for France in spring 1424,



just before the return of King James to Scotland.  
Douglas was killed at Verneuil on 7 August  
1424. Nicholson, Later Middle Ages, p. 288.

74. S.R.O. GD 12/20.
75. Chron.Bower, (Watt), vi, p.71.
76. Ibid.,p.71.
77. S.R.O. GD 12/22.
78. Chron.Bower, (Watt),viii, p.73.
79. Ibid.,p.73.
80. Ibid.,p.69. Bower quoted from Boethius' De Consolatione.
81. For the combined efforts of the governor and the earl of Douglas to ensure the succession of Croyser at Kirkungeon, see:- C.P.L.,Benedict,pp.290-1: Watt, Graduates, p.132: Chron.Bower, (Watt),vi, p.69.
82. MacQuarrie,A., 'A Problem of Conflicting Loyalties?:The Knights Hospitallers in Scotland in the Later Middle Ages', in Records of the Scottish Church History Society, xxi (1981-3), pp.223-232.
83. Barrow, Bruce, p. 28.
84. Dickinson, Scotland from the Earliest Times, pp.129-130: Nicholson, Later Middle Ages, pp. 98, 99: Grant, Independence and Nationhood, p. 91.
85. Chron.Bower, (Watt), vi, pp.73, 223.
86. Déprez, E., 'La Conférence D' Avignon (1344): L'Arbitrage pontifical entre La France et L'Angleterre', in Essays in Medieval History

Presented to T.F. Tout, edd. A.G. Little and F.M. Powicke, p.312. The English refused, replying that Scotland was already an English vassal.

87. Dowden, Bishops of Scotland, pp. 45, 94-5, 269-70, 316, 375-6: Watt, D.E.R., Fasti Ecclesiae Scoticanæ Medii Aevi, (1969), pp. 148, 251: St Andrews Copiale, p. 392 - reference to a John, bishop of Glasgow at papal curia in July 1418. The editor assumes that this was an error for Bishop William Lawder. It was in fact John Framisden, who was an English suffragen. H.B.C., 2nd edn., p. 292.
88. Chron.Bower, (Watt), viii, p. 281.
89. Nicholson, Later Middle Ages, p. 239: Keen, England in the Later Middle Ages, pp.233-236.
90. Ibid., pp.233-6.
91. Ibid., pp.233-6.
92. Ibid., pp. 236-7.
93. Nicholson, Later Middle Ages, p. 239.
94. Reid, Stanford R., 'The Lollards in pre-reformation Scotland', in Church History, vol. xi (1942), pp. 269-70: MacNab, T.M.A., 'Bohemia and the Scottish Lollards', in Records of the Scottish Church History Society, v (1935), p. 10.
95. Liber de Calchou, ii, pp. 435-7: St Andrews Copiale, pp. 383-4. The two priests are named as James Nottingham and Robert de Roxburgh.
96. Watt, Graduates, pp. 344-5: St Andrews Copiale, p.382.
97. Chron.Bower, (Watt), viii, p.180.  
Traditionally regarded as a Franciscan monk, recent

work by Moonan suggests that Resby was an accomplished scholar. Moonan, L., 'The Inquisitor's Argument against Resby in 1408', in Innes Review, xlvii, no.2 (October, 1996), pp.127-134.

98. St Andrews Copiale, p.3, no.2:  
Chron.Bower, (Watt), viii, pp. 67-73.
99. Ibid., pp.67, 180: R.M.S., i, no.905:  
Glasgow Registrum, ii, 316.
100. MacNab, T.M.A., 'The Beginnings of Lollardy in Scotland', in Records of the Scottish Church History Society, xi (1951-3), p.259.
101. Folkherd is first noted in a safe-conduct dated 16 August, 1407. C.P.R., Henry IV, iii, p. 362.
102. Ibid., p.362.
103. Ibid., p.362.
104. MacNab, 'Bohemia and the Scottish Lollards', pp. 11, 15: St Andrews Copiale, p. 230.
105. Nicholson, Later Middle Ages, p. 240.
106. Chron.Bower, (Watt), viii, p.277.
107. St Andrews Copiale, pp.230-236, Appendix no. 6.
108. Ibid., p.232.
109. Ibid., pp.232, 235.
110. Ibid., pp.234-5.
111. Nicholson, Later Middle Ages, p.241.



112. St Andrews Copiale, p.234: MacNab, 'Bohemia and the Scottish Lollards', p.13.
113. St Andrews Copiale, p.205.
114. Ibid., pp.104-5, no. 57: p.139, no. 79.
115. Ibid., p.103.
116. Watt, Graduates, p.564.
117. St Andrews Copiale, pp.416-417.
118. Ibid., pp.278-284, no. 27.
119. Grant, Independence and Nationhood, p.95.
120. C.S.S.R., i, 103, 191-2. For other examples of simony, see ibid., 184-5, 186-7.
121. C.S.S.R., i, 207-8; C.P.R., vii, 154. The supplicant was the governor's own secretary, Andrew Hawick. It should be noted, however, that Pope Benedict's efforts to end the practice of simony within his own administration were said to have been largely successful. St Andrews Copiale, p.xli,n.1.
122. Ibid., pp. 1-3, 52, 381.
123. C.P.R., vii, 147: C.S.S.R., i, 97-8: Watt, Graduates, p. 106: C.P.L., Benedict, pp.292-3: C.S.S.R., ii, 38-9.
124. Ibid., pp. xvi-xvii: Nicholson, Later Middle Ages, pp.238-9.
125. Ibid., pp.238-9.

126. Watt, Graduates, pp.197-200.
127. Brown, M., , James I, p. 27.
128. Watt, Graduates, p.332: C.P.L., Benedict, pp. 338-9.
129. C.P.R., Pet., i, 610.
130. C.P.L., Benedict, pp. xvii-xviii: Watt, Graduates, pp.93-95.
131. See above, nn.8,22.
132. French ordinance of neutrality dated at Paris, 25 May 1408. Pillemont, G., Pedro de Luna: Le Dernier Pape D'Avignon (1955), p.157.
133. R.L. Poole, 'On the Intercourse Between English and Bohemian Wycliffites in the Early Years of the Fifteenth Century', in E.H.R. vii (1892), p. 310.
134. Finke, H., Acta Concilii Constanciensis, ii, (1896), pp. 399-400: Standford-Reid, 'Lollards in Scotland', p.272.
135. C.P.L., Benedict, p.316: C.P.L., vii, p.23: Barraclough, G., Papal Provisions (1962), p.180.
136. MacNab, 'Bohemia and the Scottish Lollards', p.16: Glasgow Registrum, ii, p. 316. For query re: the date, see Thomson, J.A.F., The Later Lollards: 1414-1520 (Oxford, 1965), p.203,n.6.
137. Chron.Bower, (Watt), viii, p.277.
138. Ibid., p.69. Note that Bower was writing in the 1440s. Dunlop, A.I., 'Remissions and Indulgences in

Fifteenth Century Scotland', in Records of the Scottish Church History Society, xv (1963-5), p.166: St Andrews Copiale, p. 205.

139. Thomson, Later Lollards, p.18.
140. Seton is noted as having 'absented himself from the said church', 'cast aside the tonsure' and 'worn lay clothes': C.P.L., Benedict, p.280.
141. James Haldenstone's letter regarding the 'errors' of this man is undated. St Andrews Copiale, pp.71-2, no. 34.
142. Thomson, Later Lollards, p. 202.
143. Chron.Bower, (Watt),, viii, pp.67-73, 281-287.
144. St Andrews Copiale, p. 425. Shaw, D., 'Laurence of Lindores', in Records of the Scottish Church History Society, xii (1954), p.60.
145. St Andrews Copiale, p.136, no. 77: Watt, Graduates, p. 251.
146. Ibid., p.248.
147. Chron.Bower, (Watt), iii, p.439.
148. F., O., ix, 293-4.  
In justifying his decision to enter into an alliance with Henry V in 1416, Sigismund related his efforts to mediate an end to the Anglo-French war, and cited the hostility of the French as an obstacle to the unity and tranquillity of the Church. Ibid, 377. This form of 'spiritual blackmail' was also employed during the reign of Henry IV. Storey, Thomas Langley, p.23.
149. See above,n.134.
150. E.g.,Chron.Bower, (Watt), pp.23-27: Chron.Wyntoun,



vi, pp.381-2, 385-9: Moray Reg., pp. 383-4.

151. Wyntoun, (Armours), pp.386, 391: Keen, England, p.305.
152. Chron.Wyntoun, vi, p.391: Chron.Bower, (Watt), viii, p.29. Wynton and Bower differ as to the events surrounding the appearance of the Mammet at Islay. However both state that it was Lord Montgomery of Ardrossan who conveyed Richard to Robert III. Montgomery had been captured at Homildon Hill in September 1402, which would give a date prior to this for the appearance of the Mammet at the Scottish court. English rumours re: the Mammet first surfaced in May 1402, though it is known that the wife of Warde's accomplice, William Serle, was held prisoner by the English until December 1401, 'on account of the iniquitous scheme of her husband'. Both Warde and Serle were excluded from a general pardon given in 1404.  
E.R., iv, p.lxvi-ii, 70-1, 213, 239, 289: F., O., viii, 254, 261, 262, 353: C.D.S., iv, 591
153. Chron.Wyntoun, vi, p.391. Bower was not so direct in his circumspection, but did point out that the pseudo-king refused a private meeting with the earl of Northumberland, then a refugee in Scotland and one of the few people available who could have definitively discredited the Mammet. Chron.Bower, (Watt), viii, p.67: Keen, England in the Later Middle Ages, pp. 307-9.
154. See above, n.152: Fraser, Menteith, i, p.229: Aston, M., Lollards and Reformers: Images and Literacy in Late Medieval Religion (London, 1984), p.27.
155. Keen, England, pp.308-313.
156. Ibid., , p.314.
157. Aston, Lollards and Reformers, p.27. The trial took place in 1413.
158. Hingeston, Letters, ii, 159.

159. Aston, Lollards and Reformers, p.27.
160. Eulogium Historiarum sive Temporis, ed. F.S. Haydon (Ross Series, 1863), p.402.
161. Keen, England, p. 353: E.R., iv, lxv. According to Walsingham, the first funeral of Richard II was 'without pomp and with only a few people'. Gransden, A., Historical Writing in England, vol. ii, p.150.
162. Aston, Lollards and Reformers, p.27: Thomson, Later Lollards, p. 16 + n.3.
163. Note Bower's reference to Resby's popularity amongst the 'simple people'. Chron.Bower, (Watt), viii, p.67: F.,O., ix, 193: Pardon for named Lollards - merchants, carpenters, plowmen, cordeners etc. C.C.R., 1413-1419, 176: A William Parchemyner - i.e. a parchment maker - was excluded from a general pardon. Benedict Wolman was, of course, a 'woolman', and other Lollard colleagues included a fishmonger and a barber. Thomson, Later Lollards, pp.16-17.
164. C.C.R., 1413-1419, p.176: Keen, England, p.241: Thomson, Later Lollards, pp.53, 173, 196: McFarlane, K.B., Lancastrian Kings and Lollard Knights (Oxford, 1972), pp.148-176.
165. Keen, England, p.173: Stanford-Reid, 'Lollards in Scotland', p. 273:  
Gesta Henrici Quinti: The Deeds of Henry V, trans. by F. Taylor and J.S. Roskell (Oxford, 1975), pp.183-4.
166. Thomson, Later Lollards, p.4: Keen, England, p. 244.
167. Ibid., p.244: Thomson, Later Lollards, p.4. Note Oldcastle's correspondence with Hus et al. Poole, 'English and Bohemian Wycliffites', pp.310-1.
168. Keen, England, p.245.
169. Official records of the battle put the numbers who

followed Sir John at 20,000, but this is obviously a gross exaggeration. F., O., ix, 171. For a more reserved figure see Keen, England, p.245.

170. F., O., ix, 171.

171. Ibid., 119-120.

172. McFarlane, Lancastrian Kings and Lollard Knights, p.216: C.C.R., 1413-1419, 31, 176, 116: F., O., ix, 120, 171, 189: Balfour-Melville, 'Later Captivity', pp.89-90: C.D.S., iv, 852, 857, 874; v, 943; P.R.O. E.28/30. For the possibility that a certain 'Thomas Clerk', sent to the Tower in June 1413, was synonymous with Oldcastle's secretary, Thomas Payne, see Aston, Lollards and Reformers, p.28, n.107: C.C.R., 1413-1419, 31. For the failed negotiations of 1413-14, see Chapter III.

173. Murray, Acta, R.G. 143: Rot. Scot., ii, 210, 211: F., O., ix, 125, 145-6: E.R., iv, 211, 223, 238.

174. See Chapter III.

175. Rot. Scot., ii, 213: F., O., ix, 244.

176. C.D.S., iv, 874. Order dated 22 February 1415. Murdach remained in the Tower until 4 May, when the Constable was ordered to hand him over to two squires, Hull and Chancellor. Ibid., 859.

177. Nicholson, Later Middle Ages, p. 247.

178. Barraclough, Papal Provisions, p. 179.

179. Abduction occurred in Yorkshire prior to 6 June 1415, the date when the earl of Westmorland was commissioned to investigate Murdach's 'felonious capture'. C.D.S., iv, 863.

180. Ibid., 863.



181. Gesta, pp. 188-190: Otterbourne, Thomas, Duo Rerum Anglicanum Scriptores Veteres, ed. Thomas Hearne (1732), i, p. x.
182. Ibid., p.x: Wylie, Henry V, i, p. 518.
183. Thomson, Later Lollards, pp.9, 10.
184. Ibid., pp.9-10.
185. Gesta, p. 185.
186. Balfour-Melville, 'Later Captivity', p.91: Wylie, Henry V, p.516.
187. Gesta, pp. 189-90.
188. C.D.S., iv, 873.
189. French envoys attended the Scottish General-Council held at Perth in June 1417, as a preamble to their limited involvement in the 'Foul Raid'. Storey, Thomas Langley, p.151: C.D.S., iv, 884: E.R., iv, 238.
190. Otterbourne, p.278: The St. Albans Chronicle, 1406-1420, ed. V.H. Galbraith, (Oxford, 1937), p.103: Elmham, Thomas, Vita et Gesta Henrici Quinti (Oxford, 1727), p.91.
191. Thomson, Later Lollards, p.16.
192. Ibid., pp.12-13: Storey, Thomas Langley, p.33: St Albans, p. 103.
193. Ibid., p.114.
194. Gesta, p.185: Thomson, Later Lollards, pp.10, 14.
195. Rot. Scot., ii, 219: Thomson, Later Lollards, p.13: Stanford-Reid, 'Lollards in Scotland', p.274.

196. Rot. Scot., ii, 220.
197. St Albans, p. 117: Elmham, p. 91: Historia Anglicana, ii, 325: Thomson, Later Lollards, p.15.
198. Oldcastle executed on 14 December 1417. Stanford-Reid, 'Lollards in Scotland', p. 274: Thomson, Later Lollards, p.10.
199. Talbot was accused of conspiring with Oldcastle in May 1417, but was acquitted following his trial in 1418. Thomson, Later Lollards, p.14.
200. See above, n.164.
201. Thomson, Later Lollards, pp.14, 16-17.
202. Ibid., p.17: Storey, Thomas Langley, pp.141-2: C.P.R., i, 1413-16, 149.
203. Orleans was transferred from Windsor to Pontefract in June 1417. F., O., ix, 456: Storey, Thomas Langley, p.152: Ellis, Original Letters, i, pp. 1-2: Signet Letters, no. 881.
204. Gransden, Historical Writing, ii, p.151: St Albans, p. 114.
205. Thomson, Later Lollards, p.17.
206. See above, n.203.
207. P.P.C., v, 105.
208. Ibid., 105.
209. Ibid., 105.
210. C.D.S., iv, 883. See Chapter III for negotiations of 1416/17.
211. Anglo-Scottish relations during the remaining years

of Duke Robert's governorship were characterised by blatant hostility. For details, see Chapter III.

212. See above, n. 172.

213. See Chapter III.

214. Bradley, 'Henry V', p.189.

215. Watt, Graduates, p.508.

216. The cream of the French nobility had been in English custody since the siege of Harflour and the later battle of Agincourt, in the autumn of 1415, and included the dukes of Orleans and Bourbon, the counts of Vendôme, Richemont and Eu, and the lords of Boucicourt and Gaucourt. Sometime during the winter of 1416, many of the French prisoners were transferred to the custody of Pontefract Castle, where they were joined by the bishop of Durham and, briefly, by Henry V himself. During the ensuing months the bishop of Durham was engaged in an attempt to procure the complicity of the French captives in King Henry's masterplan for France and the French crown. It is probably no coincidence that negotiations were also ongoing for the deliverance of King James, whose arrival in the north in spring 1417 was in an attempt to contrive the agreement of the Scots to King Henry's terms. The reluctance of either the duke of Orleans or the Scottish governor to submit to this arch diplomacy may well have prompted the establishment of a secret channel of communications between the Scots and the prisoners, thus fuelling later rumours that the Mammet would appear in England under the auspices of a triple alliance between Scots, French and English Lollards, to liberate Henry's more valuable prisoners. Signet Letters, nos. 880, 881: F., O., ix, 317, 319, 334, 417, 423, 424, 425, 427-430: Rot. Scot., ii, 224: Gesta, p.32, n.1: p.169, n.5: Storey, Thomas Langley, pp.33-5, 150-152: Keen, England in the Later Middle Ages, pp. 365-6: Lancaster and York, i, p.245: Balfour-Melville, James I, pp.67-8: Beaucourt, i, p.307.

217. Nicholson, Later Middle Ages, p.219.



218. E.R., iv, p.lxvii.
219. McEwan, 'Theolog Solempne', pp.22, 27-8.
220. Barraclough, Papal Provisions, pp.167, 171.
221. Ibid., pp.170, 171.
222. Ibid., pp.170, 171: Swanson, R.N., Universities, Academics and the Great Schism (Cambridge, 1979), p.48: Crowder, C.M.D., Unity, Heresy and Reform, 1378-1460: The Conciliar Response to the Great Schism (London, 1977), p.3.
223. Ibid., p.3: Barraclough, Papal Provisions, pp.174-5.
224. Note the political motivations behind the support of the rival French royal houses for different popes. Ibid., pp 174, 176.
225. Kelly, J.N.D., The Oxford Dictionary of Popes (Oxford, 1986), p.233: C.P.L., Benedict, p.165.
226. Ordonnances Des Roys de France, ed. M. de Vilerault, Tom. ix, pp.294, 342: Barraclough, Papal Provisions, p.177: Holmes, G., Europe: Hierarchy and Revolt, 1320-1450 (1981), p.183.
227. C.P.L., Benedict, pp.176-7: Pillemont, Pedro de Luna, p.157: Swanson, Universities, p.176.
228. St Andrews Copiale, pp. 228-230, no. 6.
229. Chron.Bower, (Watt), viii, pp 67, 180.
230. Watt, Graduates, p.183.
231. Swanson, Universities, p.177: Crowder, Unity, Heresy and Reform, pp.5, 6.

232. Pillemont, Pedro de Luna, p.162: Maitland Anderson, J., 'The Beginnings of St Andrews University, 1410-1418', in S.H.R., viii (1911), p.347: C.P.L., Benedict, p.xxi: Watt, Graduates, pp.373-4.
233. Ibid., pp.373-4: C.P.L., Benedict, p.193.
234. Watt, Graduates, pp.373-4.
235. Ibid., p.223: Kirkpatrick, J., ed., 'The Scottish Nation in the University of Orleans, 1336-1538', in S.H.S. Miscellany, 11 (1904), p.101: Rot. Scot., ii, 188.
236. Crowder, Unity, Heresy and Reform, p.5: Pillemont, Pedro de Luna, pp.163-4: Watt, Graduates, pp.19, 129, 146.
237. C.P.L., Benedict, p.181. Another candidate for attendance at Benedict's council might be William Govan, papal familiar and former chaplain to Robert III. Watt, Graduates, p.232.
238. Signet Letters, no.721.
239. Pillemont, Pedro de Luna, pp.157.
240. Ibid, pp.163-4.
241. Ibid., p.164.
242. Ibid., pp.164-165.
243. Ibid., pp.164-5.
244. Kelly, Dictionary of Popes, p.233.
245. Swanson, Universities, p.177: Crowder, Unity, Heresy and Reform, pp. 5, 7.
246. Chron.Bower, (Watt), viii, p.77: C.P.L., Benedict,

pp.276-278: C.P.R., Petitions, i, 600.

247. Ibid., 601: Watt. D.E.R., 'University Graduates in Scottish Benefices before 1410', in Records of the Scottish Church History Society, xv (1966), pp.77-79: Watt, D.E.R., 'Scottish Masters and Students at Paris in the Fourteenth Century', in A.U.R., xxxvi (1955-6), p.170.
248. C.P.L., Benedict, p.213: Watt, 'Scottish Masters', p.175: Swanson, Universities, pp.185-6.
249. The papal grant was essentially a copy of Bishop Wardlaw's own charter of foundation, given in February 1412. C.P.L., Benedict, p.278, & n.3.
250. Kirkpatrick, 'University of Orleans', p.90.
251. Watt, 'Scottish Masters', p.176.
252. Ibid., p.176.
253. Ibid., pp.175, 176: Swanson, Universities, pp.187, 278: Watt, Graduates, p.373.
254. Watt, 'Scottish Masters', p.175.
255. Watt, Graduates, pp.236, 343, 394: Swanson, Universities, p.187.
256. C.P.L., Benedict, 308.
257. C.S.S.R., i, 137, 162. 189, 198 + n.1, 202, 250, 258, 278 & n.2, 292-3: C.P.L., Benedict, 308, 358, 367, 368, 370.
258. Watt, 'University Graduates', p.77.
259. Chron.Bower, (Watt), viii, pp.79-81.



260. St Andrews Acta, pp.11-12.
261. Nicholson, Later Middle Ages, p.241: Cant, R.G., The University of St Andrews (Edinburgh, 1970), p.21: Dunlop, A.I., Scots Abroad in the Fifteenth Century, Historical Association Leaflet no. 124 (London, 1942), p.14: Watt, 'University Graduates', p.77.
262. C.P.L., Benedict, 186.
263. Watt, Graduates, p.402: C.S.S.R., iii, 64: St Andrews Copiale, pp.1-3, 51, 123-5.
264. Watt, Graduates, p.402: St Andrews Copiale, pp.402, 406: Standford-Reid, 'Lollards in Scotland', p.278.
265. Swanson, R., 'The University of St Andrews and the Great Schism', in Journal of Ecclesiastical History (1975), p.231: Watt, Graduates, pp.343-5.
266. Swanson, 'St Andrews', p.230: St Andrews Acta, pp.11-12.
267. Shaw, D., 'Laurence of Lindores' in Records of the Scottish Church History Society, xii (1954), pp.57-8: Chron.Bower, (Watt), viii, p.277.
268. St Andrews Acta, pp.11-12. Of the seven items within the oath, heresy is the fourth mentioned.
269. Note the same rationale behind the Council of Constance's early decision to condemn John Hus. Barracclough, Papal Provisions, p.170.
270. Swanson, Universities, p.216.
271. Watt, 'Scottish Masters', p.169.
272. Swanson, 'St Andrews', p 230.

273. Nicholson, Later Middle Ages, p.560: Wormald, J., Court, Kirk and Community: Scotland 1470-1625 (London, 1981), p.82.
274. Ibid., p.82.
275. C.P.L., Benedict, 173.
276. St Andrews Copiale, pp. 4-6, 385.
277. C.S.S.R., i, 182: Glasgow Registrum, ii, 327: McRoberts, D., 'The Scottish Church and Nationalism in the Fifteenth Century', in Innes Review, xix (1969), pp.5, 8, 9.
278. Ibid., p 8: St Andrews Copiale, p.103.
279. Goodman, 'Frontier Society?', pp.28,29.
280. Swanson, 'St Andrews', p.231.
281. Watt, 'The Provincial Council', pp.140-1, 145.
282. Ibid., passim : Patrick, Statutes, passim.
283. Ibid., pp.80-82: Chron.Bower, (Watt), viii, pp.67, 180. The exchequer audit was usually held at Perth in the summer, providing an ample opportunity for a coincidental council of the clergy. E.R., iv, passim. There were secular General-Councils held in July, the month when the Provincial Councils generally met, during the years 1408, 1410 and 1413, while one General-Council is known to have been held in June 1417, also at Perth. Ibid., S.R.O. GD 160/14/2: Rot. Scot., ii, 207: Murray, Acta, RG. 129: A.P.S., i, 589: R.M.S., ii, no.495.
284. Patrick, Statutes, pp.80-82: Watt, 'The Provincial Council', pp.145-6: Chron.Bower, (Watt), viii, pp.67, 180.
285. Ibid., pp.67,180.
286. Bower makes no mention of any contribution from the Provincial Council during the 1418 debate on the

issue of obedience. Indeed, there is no extant record for the meeting of a clerical council during that year.

287. Nicholson, Later Middle Ages, p.238.
288. Patrick, Statutes, pp.80-82.
289. Ibid., pp.80-2.
290. St Andrews Copiale, pp.104-5, no. 57.
291. Ibid., pp.104-5.
292. St Andrews Copiale, pp.104-5, 139.
293. Watt, Graduates, p.567.
294. Chron.Bower, (Watt), viii, p.61: C.S.S.R., i, 187.
295. Ibid., 150-1, 187, 265-6, 276-7: C.P.R., vii, 170.
296. C.P.L., Benedict, 110, 177, 180-1: Watt, Graduates, p.564.
297. C.P.L., Benedict, 224-5.
298. Ibid., 226.
299. Watt, Graduates, p.567.
300. Ibid., p.564.
301. Ibid., p.568: Patrick, Statutes, p.80.
302. Nicholson, Later Middle Ages, p.237: Grant, Independence and Nationhood, p.97: Patrick, Statutes,



pp.68-70.

303. Donaldson, G., The Sources of Scottish History (Edinburgh), p.26.
304. C.P.L., Benedict, 153-4.
305. Watt, Graduates, p.333.
306. MacEwen, A.R., A History of the Church in Scotland (1913), i, p.94.
307. Watt, Graduates, pp.237-8, 332-3; Rot. Scot., ii, 196, 219, 234, 236, 239: C.D.S., iv, 804, 932: F., O., x, 299-300, 321-22. Lawder succeeded as chancellor by January 1421/2. S.R.O. GD 185/6/6/2.
308. The official decision to withdraw from Pope Benedict was taken at a General-Council of the Three Estates, and not a Provincial Council of the Church. Chron.Bower, (Watt), viii, p.89.
309. C.P.L., Benedict, p.304: C.S.S.R., i, 162-3: Chron.Bower, (Watt), vi, pp.67-9: Coldingham Corresp., p. 251.
310. Grant, Independence and Nationhood, p.91.
311. McEwan, 'Theolog Solempne', pp.26-28: Watt, Graduates, p.250: St Andrews Copiale, pp. 17-18, no. 7.
312. Watt, Graduates, p.482.
313. C.S.S.R., i, p.xxvii.
314. C.P.L., Benedict, 218, 254.
315. Watt. Graduates, pp.119-120, 183.

316. Ibid., p.183.
317. Ibid., p.183.
318. St Andrews Copiale, pp.387-8.
319. C.P.L., Benedict, 279-280.
320. Ibid., 344.
321. C.P.L., vi, 180. Between 1408 and 1414, there were three embassies to Scotland from the French government and the University of Paris. St Andrews Copiale, pp.228-230, no. 6; pp.243-248, no. 12: Watt, Graduates, p.183: Denifle, H. (ed.), Chartularium Universitatis Parisiensis (Paris, 1894-1897), iv, no. 1964.
322. Barraclough, Papal Provisions, p.177.
323. Denifle, Ch. Paris, iv, no.1964: Crowder, Unity, Heresy and Reform, pp.6, 7: Partner, P., The Papal State under Martin V (London, 1958), pp.26-29.
324. Barraclough, Papal Provisions, p.178: Swanson, Universities, p.177: Crowder, Unity, Heresy and Reform, p.5.
325. Barraclough, Papal Provisions, p.178: Du Boulay, F.R.H., Germany in the Later Middle Ages (London, 1983), p.49.
326. Ibid., p.49: Partner, The Papal State, p.29.
327. Ibid., pp.27, 28, 29: Swanson, Universities, p.195; Crowder, Unity, Heresy and Reform, p.7.
328. Swanson, Universities, p.188.
329. Ibid., p.196. Note that Pope Benedict wrote to the

Governor and the Three Estates asking them to stand firm in their loyalty to him. Chron.Bower, (Watt), viii, pp.87, 89, 190: Maitland Anderson, 'St Andrews', p.349.

330. Ibid., pp.347-8: St Andrews Copiale, pp.388-90: Rot. Scot., ii, 211: C.P.L., Benedict, p.308: F., O., ix, 157.

331. Barraclough, Papal Provisions, p.170: Crowder, Heresy, Unity and Reform, p.13: Loomis, L.R., The Council of Constance (London, 1961), p.479.

332. Finke, Acta, i, 339.

333. Emden, Oxford, i, p.328.

334. C.P.L., Benedict, 316.

335. Pope John fled Constance in March 1415 and was formally deposed two months later.  
Swanson, Universities, p.188.

336. C.P.L., Benedict, 316.

337. Crowder, Unity, Heresy and Reform, p.13.

338. Loomis, Constance, p.267: Crowder, Unity, Heresy and Reform, p.13.

339. Loomis, Constance, p.267.

340. Ibid., pp.267-8.

341. Ibid., p.268.

342. Ibid., p.268.

343. Ibid., p.269.



344. Ibid., pp.269-70, 505.
345. St Andrews Copiale, p.393: Emden, Oxford, p.328.
346. St Andrews Copiale, pp.256-261, App. no. 16.
347. Finke, Acta, iii, 490.
348. St Andrews Copiale, p393.
349. According to the chronicler, Richental, ambassadors representing both the King of England and King James, arrived at Constance simultaneously.  
Loomis, Constance, pp 95, 506.
350. Maitland Anderson, 'St Andrews', p.350: St Andrews Copiale, pp. 261-3, App. no. 17.
351. C.P.L., Benedict, p.xii: Loomis, Constance, p.278: Rot. Scot., ii, 217.
352. Keen, England in the Later Middle Ages, p.363.  
Note that the governor's letter to Constance in November 1416, stated that the reason for the non-attendance of the Scottish envoys was due to the war with England. This could be seen as a political counter to the efforts of Sigismund et al to contrive the compliance of the Scots to the council by using the issue of heresy. St Andrews Copiale, pp.261-3, App.no.17.
353. F., O., ix, 379-80. Sigismund's very visible friendship with Henry V was manifest by his arrival at Constance wearing the Order of the Garter: ibid., 434.
354. Partner, The Papal State, p. 35.
355. Loomis, Constance, p.540.
356. Crowder, Unity, Heresy and Reform, pp.10, 24.

357. Ibid., p.24.
358. Ibid., pp.10, 13.
359. Ibid., pp.25, 108-119: Valois, N., La France et Le Grand Schisme D'Occident (Paris, 1902), iv, pp.376-7: F., O., ix, 439-441.
360. Ibid., 439-441: A.P.S., i, 587.
361. Crowder, Unity, Heresy and Reform, p.28.
362. Swanson, 'St Andrews', p.236.
363. Ibid., p.237.
364. Hannay, R.K., 'A Chapter Election at St Andrews in 1417', in S.H.R., xiii (1916), pp.323, 324, 326.
365. Crowder, Unity, Heresy and Reform, p.82: Swanson, Universities, p.190: Nicholson, The Later Middle Ages, pp.293, 296.
366. Cant., 'Kingship', p.17.
367. Burns, 'Conciliarist Tradition', p.91.
368. Ibid., p.91: Swanson, 'St Andrews', p.229: Watt, Graduates, sub voce Wardlaw, Stewart, Elwald, Ogilvy, Croyser, Lindores, Scheves, Gill, Foulis, Forrester, MacNachtan. Others, such as William Stephenson, James Haldenstone, John Litsar, Richard Crag, John Fogo, Patrick Houston, Robert Lany, John Loudon, Simon Liston, whose alma mater is unknown, may well have studied at Paris.
369. It was Lindores who was responsible for the Arts Faculty's decision to place formal emphasis on nominalist teaching. Burns, 'Conciliarist Tradition', p.91: Shaw, 'Laurence of Lindores', pp.54-55,56: Watt,

Graduates, p.343.

370. Burns, J.H., Scottish Churchmen and the Council of Basle (Glasgow, 1962), pp. 4, 9, 16, 17-18, 18-19, 22-3, 26, 37, 44, 75: Shaw, 'Laurence of Lindores', p. 54.
371. Shaw, D., 'Thomas Livingston, A Conciliarist', in Scottish Church History Society Records, xii (1954), pp.123, 125: Burns, Basle, no. 1, and passim.
372. Ibid., pp.17-18, 18-19: Watt, Graduates, p.369.
373. Ibid., p.369.
374. St Andrews Acta, p.13: Watt, Graduates, p.178.
375. Ibid., pp.130, 369: Chron.Bower, (Watt), viii, p.77: C.S.S.R., i, 6-8: C.P.R., vii, 102.
376. Swanson, 'St Andrews', p.228: Watt, D.E.R., 'University Clerks and Rolls of Petitions for Benefices', in Speculum, 34 (1959), p.227: Watt, Graduates, p.119.
377. Crowder, Unity, Heresy and Reform, p.14: Grant, Independence and Nationhood, p.92.
378. Shaw, 'Laurence of Lindores', p.55: Watt, Graduates, pp.249, 250.
379. Ibid., p.250: Burns, Basle, p.55.
380. St Andrews Acta, pp.12-13: Swanson, 'St Andrews', p.238.
381. Grant, Independence and Nationhood, p.93.
382. C.P.R., Petitions, i, 609.



383. St Andrews Copiale, pp.18-20, 395.
384. Ibid., pp.243-4.
385. Ibid., p.400.
386. C.P.L., Benedict, p.xvii-xviii.
387. St Andrews Copiale, pp.11, 15, 20, 52.
388. Hannay, 'A Chapter Election', p.324.
389. Chron.Bower, (Watt), viii, p.77: Rot. Scot., ii, 233: C.S.S.R., ii, 55.
390. Watt, Graduates, pp.178-9: Burns, Basle, p.18: C.S.S.R., i, 102, 106.
391. Signet Letters, no.721: St Andrews Copiale, pp.390-1.
392. C.S.S.R., i, 131-2, 134-5.
393. C.S.S.R., iii, 22: Cf. ibid., i, 1, where the first extant Scottish supplication is from John Casteltarris. Robert Penven was noted as a kinsman of the earl of Douglas when he supplicated Pope Martin in January 1418. C.P.L., vii, 466: C.S.S.R., i, 133.
394. Chron.Bower, (Watt), viii, p.89: C.P.L., Benedict, 385-6.
395. C.S.S.R., i, 2.
396. Ibid., 67-8. Dated June 1419, but noted to have been at the curia for some time.
397. Murray, Acta, RG.168: Chron.Bower, (Watt), viii, p.89.

The summons was issued on 8 June 1418, even though a General-Council only required four weeks' notice, as opposed to the forty days required for a full parliament. Walker, D.M., A Legal History of Scotland: The Later Middle Ages, ii (Edinburgh, 1990), pp.220, 223.

398. St Andrews Acta, p.13: St Andrews Copiale, p.392.
399. Chron.Bower, (Watt), viii, pp.89, 191.
400. Ibid., pp.89, 93.
401. Ibid., p.93.
402. St Andrews Copiale, pp.3-4, no. 2: Chron.Bower, (Watt), viii, pp.289, 291.
403. C.S.S.R., i, 126-7. Scheves was one of the three ambassadors commissioned by the General-Council of October 1418 to offer Scotland's formal obedience to Pope Martin. He arrived at Martin's curia at least six weeks before this grace was granted. St Andrews Copiale, pp. 23-25, no. 12.
404. Chron.Bower, (Watt), viii, p.93.
405. Ibid., p.89.
406. C.P.L. Benedict, p.xiv.
407. St Andrews Copiale, pp. 9-10, no. 5: Watt, Graduates, p.333.
408. C.P.R., Petitions, i, 610.
409. St Andrews Copiale, pp. 28-29, no. 14.
410. C.P.R., Petitions, i, 611, 612. A letter within

Haldenstane's Copiale, purports to be from Bishop Wardlaw to Martin V in c.1417, but this is dismissed by Watt. St Andrews Copiale, pp.20-21, no.9: Swanson, 'St Andrews', pp.237-8: Watt, Graduates, p.568.

411. C.P.R., vii, 154: C.S.S.R., i, 55, 179: C.P.R., Petitions, i, 610-612: Watt, Graduates, p.258.

412. Ibid., p.258.

413. Litstar travelled with Haldenstane to Martin's curia for confirmation of the latter's recent election as prior of St Andrews. Returning to Scotland by way of Bruges, Litstar received letters from Pope Benedict which provided him to the priorship. This prompted the recalcitrant Benedictine to seek forgiveness from the Avignon pope. Swanson, 'St Andrews', p.237: C.P.L., Benedict, 369-70, 382: Watt, Graduates, p.249.

414. C.P.L., Benedict, 308, 325-6, 353-4: Watt, Graduates, p.236: C.S.S.R., i, 111.

415. Ibid., 97-8: C.P.R., vii, 102.

416. Watt, Graduates, pp.4-5.

417. Ibid., pp.482, 508, 569.

418. Swanson, Universities, p.201: Burns, 'Conciliarist Tradition', p.90: Nicholson, Later Middle Ages, pp.245-6.

419. C.P.R., Petitions, i, 609.

420. Swanson, Universities, p.200: Denifle, Ch. Paris, iv, no.2097.

421. Ibid., no.2097.



422. Ibid., no.2097: Barraclough, Papal Provisions, p.180: Kelly, Dictionary of Popes, p.239.
423. Lawrence, The English Church, pp.212-3.
424. Jacob, The Fifteenth Century, p.198.
425. Ibid., p.198.
426. McFarlane, K.B., 'Henry V, Bishop Beaufort and the Red Hat', in E.H.R., lx (1945), p.339.
427. Kelly, Dictionary of Popes, p.239. All the nation states negotiated concordats. Hannay, 'James I', p.192: St Andrews Copiale, p.427.
428. C.S.S.R., i, 97-8: Inchcolm Chrs., p.162.
429. Partner, The Papal State, pp.133, 135: C.S.S.R., i, xiv & n.1: Baix, F., La Chambre Apostolique et Les Libri Annatarum De Martin V (1947), p.cccxxviii.
430. Barraclough, Papal Provisions, p.180: Kelly, Dictionary of Popes, p.239: Loomis, Constance, pp.21, 438: St Andrews Copiale, pp.427, 435.
431. The appointment of Feldew was conceded 'notwithstanding the certain [i.e. fixed] number of scriptors'. C.S.S.R., i, 98.
432. St Andrews Copiale, pp. 274-5, App. no. 24: C.S.S.R., ii, 44: Watt, Graduates, p.133: Lawrence, The English Church, p.213. It is not known if Feldew was allowed to take up his post as scriptor for, in a charter of September 1420, he is not so designated. Inchcolm Chrs., pp.xliii, 46-50. He was, however, later accused of falsifying papal letters: C.P.R., Letters, viii, p.561.

Patrick Spalding was granted an appointment as a papal referendary, but he died before the end of August in 1422. C.P.L., vii, 242. Another papal referendary was Thomas Morow, abbot of Paisley, but

as chaplain to King James he was unlikely to have facilitated the business of either the Governor or his council: ibid., 141. There is some evidence that William Stephenson, bishop of Dunblane, may have served as referendary for a brief period, while Ingeram Lindsay may also have temporarily occupied a similar post as an abbreviator of Apostolic letters. Watt, Graduates, p.508: C.S.S.R., ii, 37. The only other Scot known to have occupied such an influential position within the papal administration during this period was John Keremor who, as the familiar of the Cardinal of St George, would not have greatly enhanced Scottish influence at the curia. C.S.S.R., i, 298.

433. Partner, The Papal State, p.42.

434. McFarlane, 'Bishop Beaufort', p.339.

435. Watt, Graduates, p.508.

436. Ibid., p.508. It is notable that one of the last petitions to Pope Benedict was made by Robert Young, archpriest in the collegiate church of Dunbar, who asked that he 'might confess and absolve all Scots who should go to war against the English while they remain schismatics'. Petition dated 1 January 1419. C.P.L., Benedict, 385.

437. When Martin V wrote to Henry V to inform him of his election, he pointedly addressed him as King of England only. F., O., ix, 535. In a further attempt to establish his credibility as a universal pope, Martin sought to act as a mediator between the French and the English soon after his election. ibid., 558. Nevertheless, as late as 1423, the English government were still attempting to obtain papal approval for English claims to sovereignty over parts of France. Lawrence, The English Church, p.214.

438. See Chapter III.

439. Chron.Bower, (Watt), viii, p.313: St Andrews Copiale, p.389: Nicholson, Later Middle Ages, p.245.

440. C.S.S.R., i, 300-1: St Andrews Copiale, p.248, App. no. 12: Watt, Graduates, p.248.
441. Loomis, Constance, p.95. As a native of Constance and a notary, Richental writes as a credible witness to the events of the church council. ibid., p.84.
442. In the journal of Jacob Cerretano, another notary active at Constance, there is a reference to a letter written to King James regarding the recent negotiations at Narbonne. Loomis, Constance, pp.466, 506. There is also the tantalisingly obtuse reference to the 'King of Scots' as being one who swore approval to the Twelve Articles of Narbonne, at Constance in February 1416. St Andrews Copiale, p.398.
443. Loomis, Constance, p.310: Maitland Anderson, 'St Andrews', p.351.
444. A.P.S., i, 587.
445. C.S.S.R., i, 61; ii, 30, 33-4.
446. C.S.S.R., i, 14: C.P.L., vii, 6.
447. 3 December 1417. F., O., ix, 523-4. King James's first supplication to Martin was in March 1418. C.S.S.R., i, 8. This supplication was made on the king's behalf by Morow, although it was his other chaplain, Mirton, who is noted as having offered the formal obedience of the king in July of the same year. ibid., 14.
448. Ibid., 14-15.
449. Ibid., 14-15.
450. Ibid., 116.



451. Ibid., 162-4.
452. E.g., C.D.S., v, 955: C.S.S.R., i, 14-15.
453. Raine, North Durham, no. cxlviii: St Andrews Copiale, pp.18-20, 400: C.D.S., iv, 905: F., O., x, 125. It is notable that John Fogo, the university theologian who disputed the conclusins of Harding at the 1418 General-Council, was first Douglas's confessor before serving King James in the same capacity after his return to Scotland. C.S.S.R., i, 102, 106: Chron.Bower, (Watt), viii, pp.287-291, 374: Burns, Basle, p.18: N.L.S. Adv.MSS. 29.4.2,f.50.
454. Burns, Basle, p.90.
455. C.S.S.R., i, 75-6.
456. Ibid., 244-5: Watt, Graduates, p.396.
457. St Andrews Copiale, p.11.  
Other evidence for Scotland's internal schism comes from the abbey of Dunfermline, where the monks professed their allegiance to different popes. C.P.L. Benedict, 382. Perhaps it was in an attempt at reconciliation that the Provincial Council of 1420 decided to elect Bishop Stephenson as conservator, and to invite Prior Haldenstone, his political rival, to give the opening sermon. Patrick, Statutes, pp.80-2: St Andrews Copiale, pp.104-5, no.57.
458. C.S.S.R., ii, 29.
459. Ibid., 33.
460. Stephenson certainly remained at the curia until November 1419. Watt, Graduates, p.508. Note that the king's complaint was written at a time when he expected his deliverance from captivity to be imminent. Just a few months later, King James wrote home demanding money to cover the expenses incurred by the arrangements for his liberation. S.R.O., R.H. 13/12.

461. Watt, Graduates, p.120: Burns, Basle, p.48.
462. C.P.L., vii, 355, 360.
463. C.S.S.R., i, 308-9.
464. St Andrews Copiale, p.24 - i.e. the war with England.
465. Finke, Acta, iv, 180.
466. Pillement, Pedro de Luna, p.274: Stuart, A.F., 'Scotland and the Papacy during the Great Schism', in S.H.R., lv (1907), p.157.
467. Pillement, Pedro de Luna, p.275.
468. C.P.L., Benedict, p.xiv.
469. Denifle, Ch. Paris, iv, no.2129. [Ref. from Swanson, Universities, p. 201.]
470. C.P.L., Benedict, p.xiv.
471. St Andrews Copiale, p.385.
472. Partner, The Papal State, pp.42, 45, 46.
473. Ibid., pp.42-6.
474. Ibid., pp.49, 62-3, 67, 71-2.

## CHAPTER VII CONCLUSION

The study of the governorship of the first duke of Albany has revealed many contradictions and paradoxes. The first and most blatant of these lies in the opposing assessments of contemporary chroniclers and modern historians. Both Wyntoun and Bower portrayed the duke as a 'mirror' to all princes, who ruled ably and honourably as the kingdom's first governor. Yet, for many modern historians the most enduring impression of the governorship is of a time when anarchy prevailed over order, and when personal ambition and political opportunism prevailed over duty and responsibility. This phenomenon cannot be wholly explained by the 'plague' of hindsight, but lies partly in another historical paradox.<sup>1</sup> The spirit of constitutional enquiry that has been applied to the first War of Independence and the reign of Robert I, is nowhere apparent when his Stewart successors are subjected to the scrutiny of modern historians. This is particularly true of his great-grandson, Robert Stewart, who was to hold the reins of government for fourteen years as Scotland's first governor.

Constitutional theory was relevant to those who assembled at Perth in the early summer of 1406, to contemplate the void created by the capture of the heir to the throne and the death of Robert III. Bracton's model on the contractual nature of kingship had already been implicit in the appointment of the Guardians during the reign of John Balliol, given eloquent expression in the Declaration of Arbroath, and then employed as a rationale for the frequent periods of guardianship throughout the reigns of Robert II and Robert III. Many modern historians seem loathe to accept that these transfers of authority were contrived by anything other than the political ambitions of whichever faction was then in the ascendant. Yet this is to be too ready to consign the era of the early Stewart kings to the intellectual wilderness. Late medieval Scots were at ease with the language of political theory and undoubtedly applied its concepts to the settlement of June 1406. Thus, the Scottish polity saw themselves as the valentior pars, with responsibility to maintain the integrity of the royal dignity in the absence of the person of the king.



It was they who delegated authority to the governor and prescribed the terms of his commission. Yet, in so strictly defining the limits of the governor's authority, the political community could hardly have been aware that the term of Scotland's first governor would endure for fourteen years, and that of his son for a further four. Even the title governor, with its feudal undertones, implied the temporary nature of Duke Robert's appointment. In this respect, the way in which the authority of the governor was circumscribed with conciliar controls, the recognition of James as king and the attendant commitment to secure his return, were all to cast their indelible shadow over the next eighteen years.

The primary responsibility of the governorship, if not its function, was to defend the realm, an obligation which was to prove all the more challenging by reason of the ongoing hostility with England, the traditional and unremitting enemy of the Scots. Despite the enduring connotations of the 'Foul Raid', the defence of the realm was pursued with an indefatigable determination. This is manifest by the complex negotiations for the return of earl of March, whose defection and exile to England created a security nightmare that had defied resolution during the reign of Robert III. That his return was effected three years after the duke's appointment, was a very visible fulfilment of his primary obligation and stands as a remarkable achievement of the governorship. Thereafter, the combined efforts of the two Marcher earls, together with the 'men of Teviotdale', contributed to the re-capture of Fast Castle and Jedburgh, while their persistent harassment of other English-held garrisons seriously undermined the enemy's military machine.

Yet, defence of the realm was not just a physical responsibility. English claims of sovereignty over the Scottish realm were not a novel phenomenon, but were given extra puissance by the imprisonment of King James in England. It could be argued, however, that the settlement of 1406 also exacerbated these challenges to Scotland's independence by emphasising the status of James as the rightful king, and by the concomitant obligation to seek his return. This troubling paradox was to form the basis of James' remonstrance in 1412, and most probably inspired the way in which he persistently overstepped the constitutional boundaries. James was only a child when he was captured off Flamborough Head in

March 1406, and for the next eighteen years the young king was to share his enforced exile with a disparate collection of prisoners that included French princes, Welsh rebels, and Lollard knights. He was also subjected to the overtures of both Henry IV and Henry V, whose treatment of the young king alternated between the harsh conditions of the Tower and the more comfortable surroundings of royal palaces, before being reminded of his ignoble circumstances by being forced to attend the coronation of Henry V. He was also propelled into the international limelight in order to debase the status of the governorship and increase his currency as a diplomatic counter. It was hardly surprising that James was transformed into a cipher for ambitions of the English kings to assert their claim to sovereignty over the Scottish kingdom. Yet, James' threat to carry out his other 'remede' was made at the same time as he confirmed the disputed lands of Cavers to Archibald Douglas, and he cannot have been unaware of the implications of his actions, nor of the way in which they undermined the position of the governor. It was not, however, until 1420 that King James made his most blatant acknowledgement of English sovereignty, when he agreed to serve in Henry V's French wars. His reluctance to compromise his kingdom may be apparent by the letter of Gloucester to Henry V at this time, but thereafter James appears as a willing accomplice in the attempt to pressurise the Scots into accepting the Treaty of Troyes with all its attendant implications.

Throughout this diplomatic onslaught, the Scots used every means at their disposal to defend the independence and integrity of their kingdom. Aside from the persistent rebuttal of English claims to suzerainty, the long-standing alliance with France was renewed at the beginning of the governorship, and, notwithstanding the complications of the French civil war, this treaty was to afford the Scots a measure of diplomatic insurance. Considerable effort was directed towards reconciling the French factions, and this was achieved on at least three separate occasions. Recognition of the value of the French alliance was manifest by the General-Council's decision to send a Scottish force to augment the Dauphinist cause in 1419, and by the refusal of the Scots to contemplate neutrality in the Anglo-French war. The fruit of this steadfast resolve was to be evidenced by the fact that the Scots were able to enter the negotiations of 1423 from a position of considerable

diplomatic strength, when it became apparent that their king was finally to be allowed home.

The issue of sovereignty was also relevant to Scotland's ecclesiastical affairs. Church and state had always been equal partners in their determination to resist the pretensions of English kings and their archbishops, and the closing years of the Great Schism was no exception. This was manifest by the persistent obedience of Scotland's clerics to the Avignon pope, even after he had been abandoned by Scotland's political allies. The Church may have conceded an undue measure of control to the governor and his council during this period, but was rewarded by secular support in the fight against heresy and in the efforts to re-invigorate the spiritual marrow of the Church. The secular authorities were also happy to affirm the principle that the Scottish Church should be untroubled by the intrusion of English clerics, just as the Guardians had done over a century earlier. Moreover, in delaying Scotland's obedience to the new pope, the governor was not merely pandering to his own personal preference, but ensuring that a papal concordat could be negotiated which would preserve the integrity of both the Ecclesia Scoticana and its secular partner.

All this was achieved despite a barrage from the diplomatic arsenal unleashed against the Scots by her detractors, all of whom attempted to use the issue of heresy and the person of her king to contrive Scotland's compliance to the edicts of Constance. In remaining unmoved by this pressure, the Scots displayed a remarkable degree of resolve and solidarity, which only wavered when the Council of Constance assumed less obviously political credentials. It was seen, however, that even those clerics who responded to the siren calls of conciliarism were not readily assigned to what modern historians identify as the opposing camps of the governor and the Scottish king. The most conspicuous manifestation of this political inconsistency is provided by Bower himself, who, though given to lectures on unity and highly critical of the early defection of others, is to be found petitioning Martin V in January 1419, several months before ambassadors arrived at the papal curia to offer Scotland's formal obedience.<sup>2</sup> If the denouement of the Great Schism demonstrates its political inspirations, the establishment of Scotland's first university can only be taken as an expression of national confidence. This was also apparent by the revived interest in her national saints, and reflects the fact that the coincidence of the



Anglo-Scottish war with the Great Schism did not engender a nationalism that was wholly negative.

However, these achievements of the governorship have been somewhat demeaned by modern criticism of the perceived turmoil amongst the nobility during this period. The impression of the governorship as a magnatial 'free-for-all', would seem to be confirmed by evidence from the Exchequer Rolls and by the qualifications that contemporary chroniclers made to their favourable assessments of the duke's abilities. However, in analysing the governor's relations with his peers, it became apparent that yet another paradox could be elicited. The General-Council of 1406 charged the governor with a wide-ranging remit to maintain law and order, but then denied him the means to fulfil this obligation. There was to be no recourse to the medieval carrot and stick in the form of forfeiture and crown patronage, which kings normally employed to keep the magnates in check and elicit their co-operation. The governor was then forced to fall back on the same means he had employed to keep the peace long before he became governor.<sup>3</sup> According to Wormald,<sup>4</sup> the alliance created through marriage was the least enduring of all, but it seems to have served the governor well as he managed to salve the anxieties of such political opposites as the earl of Douglas and Sir Malcolm Fleming. In this undertaking, the governor was aided by his own political acuity, and by the fact that he had accumulated a vast amount of territorial and political power during the reigns of his father and brother. However, a less obvious ramification of the restrictions on crown patronage meant that the governor could not create any 'new men' to consolidate his authority and upset the balance of power, circumstances which had contributed to the Steward's rebellion against David II in 1363.

Criticisms of the governor's personal ambitions are less easy to answer, particularly if Henry IV's claim that the governor wished to marry his daughter to John of Lancaster is to be believed. The duke undoubtedly harboured a personal predilection for power closer to home, long before the governorship was inaugurated and even before he received the portentous title of duke of Albany. Yet, in conferring the earldoms of Buchan and Ross on his son, the governor was merely continuing a policy that had been initiated during the reign of Robert I, if not earlier. Indeed, the predilection of previous kings for rewarding their closest allies with northern

estates and ill-defined jurisdictions, while keeping the most powerful and successful Highland magnate, the Lord of the Isles, at arms length, left the governor and his council with an almost unworkable legacy. There was, indeed, a certain inevitability about Harlaw and continued disruption in the north that no king or regent would be able to resolve. However, the most significant point about Harlaw and its aftermath was that the Lord of the Isles declined to engage the governor in battle, reserving his military wrath for the earl of Mar, who was perceived as the main protagonist in the battle he was supposed to have prevented.

Young's assertion that the circumstances of minorities produce 'atypical' behaviour, might help explain the many magnatial 'outrages' committed during the governorship.<sup>5</sup> It was not in the interests of the nobility to overstep the mark and provoke a descent into civil war. Both the earl of Douglas and the MacDonald chief came close to doing so, but they were equally driven by desperation and their inability to pass on the rewards of crown patronage to their adherents. Aside from the challenge to his governorship at the General-Council of June 1406 - which was no more and no less of a challenge than that endured by his father in 1371 - the governor faced no other major conspiracies and even appears to have enjoyed a degree of political freedom in his later years. If this was derived in part from a realisation that constitutional theory had to be tempered by political expediency, it also acknowledged the reality that King James might never return. There were only three occasions when expectations were raised that the Scottish king would be delivered from English captivity, and these were so brief that the Scottish polity can only have become reconciled with the possibility that the governor, who was already heir-presumptive, would succeed to the estate of king. This is why it becomes difficult to distinguish between the personal ambitions of the governor and his official responsibilities. The dictum that 'kings had high purposes, nobles base and selfish ones'<sup>6</sup> is one that has been applied to the governorship by modern historians without reflecting what the perceptions of contemporaries might have been. In fact, throughout most of the governorship, not only was there the possibility that either Duke Robert or his son might become king, but there was also the attendant fact that the both governors were the personification of the crown during the eighteen years of James' captivity.

In this respect, perhaps the ultimate paradox revealed by this thesis is that the governorship ensured the survival of the very dynasty that it is accused of undermining.



## NOTES

1. This observation is made in Wormald, Lords and Men, p.33.
2. Chron.Bower, (Watt), ix, p.205.
3. C.P.L., Benedict, 46.  
In May 1380, the chancellor of Dunblane was granted faculty to dispense ten men and women in Fife to marry, so that 'an end may be put to the feuds, murders and factions existing within in those parts'.
4. Wormald, Lords and Men, p.79.
5. Young, 'Political Factions', p.1.
6. Brown, J.M., ed. Scottish Society in the Fifteenth Century (London, 1977), p.3.

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